DEPARTMENT OF STATE
JUN 11 1888
RECEIVED

No 637.

Legation of the United States
Pekin, May 1st 1888.

83
China
July 1. 1888.
Oct 31. 1888
Packet No 2

Synopsis

Mr Denby gives an account of the progress of the China Railway Company.

(Published)

No 637.

Legation of the United States
Peking, May 1st, 1888.

Honorable Thomas F. Bayard.
Secretary of State
Washington.

Sir:—

The China Railway Company which was started about a year ago to run from the Kaiping Mines to the Peiho river, thence to Tientsin, [which has formed the subject of frequent despatches from this Legation to the Department,] has, according to a report which appeared in the Shih Pao (a Chinese newspaper published at Tientsin) completed their line to Tangku, the point on the Peiho river. On the 21st of last month the train began to run from this

to

to the Mines.

All the material - locomotives, carriages, freight wagons, etc: - has arrived; the remaining section of the line will be pushed on with unremitting energy and the directors of the Company hope that by July or August the road will be completed to Keintira, when it will be able to work at its full capacity.

I understand, as the line when completed will cost at a very cheap rate, the working will be cheap, and the most rigid economy will be enforced, it is certain that the enterprise will be profitable to the shareholders and of great advantage to the districts accommodated.

I have the honour to be,

Sir,

Your Obedient Servant

Charles Denby

DEPARTMENT OF STATE
JUN 14 1888
RECEIVED

No 638.

2D ASSISTANT SECRETARY.
Ack. by Number and File.
JUN 14 1888

Legation of the United States.
Pekin, May 5th, 1888.

Mr. Charles Denby
to the
Secretary of State

Subject.
Portuguese-Chinese Treaty.

Synopsis
Advises ratification of same
at Tientsin on the 28th April 1888
by representatives of both governments.

No 638.

Legation of the United States.

Peking, May 5th, 1888.

Honorable Thomas F. Bayard
Secretary of State
Washington.

Sir:—

I have the honor to inform you that the treaty negotiated between Portugal and China last year was on the 28th ultimo duly ratified at Tientsin by Senor Thomaz de Souza Rosa as the representative of Portugal and the Grand Secretary and Tsiang Li Hung Chang as the representative of China.

The text has not been published yet, but I understand that in general the features of the treaty

treaty are about the same as the stipulations of the conventions between China and other foreign powers.

As soon as I can get a copy of the treaty I will transmit it to you.

I have the honor to be,

Sir,

Your obedient servant

Charles Denby

DEPARTMENT OF STATE
JUN 14 1888
RECEIVED.

No 639. Ors Endorsements.

2D ASSISTANT SECRETARY.
Check with satisfaction that this intricate question is at last disposed of.
JUN 14 1888

Legation of the United States
Peking, May 5th, 1888.
Recd June 15.

Mr. Charles Denby
to the
Secretary of State

Subject
Etiquette between Foreign Office and Legations on New Year.

Synopsis.
Mr. Denby transmits paper upon above subject agreed to by Diplomatic Body.

Cop. FR 1888

No 639. One enclosure.

Legation of the United States

Peking, May 5th, 1888.

Honorable Thomas F Bayard.

Secretary of State

Washington.

PRINTED
INSTRUCTIONS
1888

Sir: —

In my despatch No 574, of date the 21st of February last, I dwelt at some length on the question of etiquette to be observed in the matter of exchange of calls on foreign and Chinese New Year, between the officials of the Foreign Office and the Secretaries, attaché's and Interpreters of the various Legations, and informed you that the Diplomatic Representatives would press the matter until a proper and satisfactory arrangement,

consistent

consistent with dignity, had been effected.

I now have the honor to inform you that the question has been settled in a manner that cannot be other than satisfactory to all concerned.

The proposal of the Prince and Ministers, which forms an Enclosure, has received the approval of my colleagues and myself.

1/639. I trust that my action in the premises will meet with your approval.

I have the honor to be,

Sir,

Your Obedient Servant

Charles Denby

Enclosure 1. Despatch 639.

Proposal from Kungli Yamen on the subject of the exchange of cards on Chinese and Foreign New Year.

On Chinese New Year the Foreign Representatives residing at Peking will send cards

1. to the Prince and Ministers,
2. to each one of the Secretaries of the Yamen (Hang Pan) whose names will be given,
3. to the seven Departments of the Yamen - to each department one card.

The Secretaries, attachés and Interpreters will send their cards in the same manner.

On Foreign New Year the Prince

and

and the Ministers will send their cards:

1. to the Foreign Representatives

2. to every one of the secretaries, attachés and interpreters, whose names will be given to them.

The Kung Pans will send their cards in the same manner.

The officials of the seven departments will send one collective card for each of the departments to the Foreign Representatives, secretaries, attachés and interpreters.

DEPARTMENT OF STATE
JUL 21 1888
RECEIVED.

No 640. Om. enclosure

2D ASSISTANT SECRETARY.
Ack'd as interesting
Copy to Navy Dept for
all information
JUL 21 1888

July 23. Cus Co. ✓
Legation of the United States.
July 23. Cus Co. ✓
Peking, May 11th, 1888.

Mr. Charles Denby
to the
Secretary of State

Subject
Imperial Naval College at Tientsin.

Synopsis.
Mr. Denby gives a short account of its establishment, curriculum, and encloses a proclamation in regard to admission of candidates.

No 640. Our Enclosure.

Legation of the United States.

Peking, May 11th, 1888.

Honorable Thomas F. Bayard

Secretary of State.

Washington.

PRINTED
FOREIGN RELATIONS
1888

Sir:—

In the year 1881, an institution called the Imperial Naval College, was established at Tientsin by the Viceroy Li Hung Chang, for the purpose of preparing Chinese cadets for the navy of the Imperial Government, after the system prevailing in Western Countries.

The College has two departments of 60 students each, Executive and Engineering. The former under the direction of Wu Yen Tung Kwang

a

a graduate of the Foochow Normal and of the Royal College at Greenwich, England, and the latter under his English professor also of the Royal College. I learn that in its inception, development and present successful position the College owes much to Mr Yen.

The students of the College are selected from all parts of the Empire; after an examination in Chinese literature they are admitted for a probationary period, and set on to study English; if they show signs of success in acquiring this language they are retained for a period of four years in the Executive school and much longer in the Engineering.

Yen

In the Executive school solid geometry and geometrical curves; trigonometry; Navigation; Natural Astronomy — Practical; Algebra; Statics etc: are taught, while in the Engineering the course is in studies such as are usually taken in Technical Colleges.

A torpedo department has been successfully inaugurated by one of the English professors, who has fitted up in a very complete manner a workshop with every requisite for instruction in this *sine qua non* of modern naval warfare.

Examinations are held quarterly, and I understand the results have proved more than creditable to the students.

It is another proof of the extreme quickness with which the supplies

Chinese

Chinese intellect makes difficult problems.

At a recent examination the average of marks gained by the pupils, many of whom had been but a short time in the school, was about 50 per cent, a result which reflects the utmost honor on the Chinese and English professors. The Chinese pupils, I learn, readily master the Western mathematical methods, as is shown in most of the Foreign schools in China. But the fact should not be lost sight of, that the Chinese savants have perfect mathematical methods of their own and for hundreds of years have been able to calculate eclipses, etc:

one

one feature of the establishment which should be remedied, is the time spent in elementary education. If the Government should establish a sort of preparatory school where English mathematics and elementary science could be acquired, without wasting, as it now, the power of high class specialists, it would be a great advantage. About two years are spent in teaching the elements of mathematics and science by men who could with much more profit to the public service, be engaged in special teaching. However, in making this observation, I do not wish to be regarded in the light of a critic.

Not

not unlike the system in our own naval academy, the students are entirely maintained at Government expense and are further in receipt of adequate pay.

The Chinese Government will no doubt foster this and all similar institutions with the utmost care. From this school will come the men to whom must be confided the re-organized navy of China.

1640. I enclose copy of a proclamation issued by the Manager of the College inviting candidates to compete at the Entrance Examination.

I have the honor to be

Sir

Your Obedient Servant

Charles Denby

Enclosure 1-

Proclamation as above.

Translation. Enclosure 1. with despatch 640.

Proclamation in re Entrance to Naval College, published in the Shih Pao, April 30th 1888.

A proclamation from Tuan, Expectant Taotai of Chihli and Manager of the Imperial Naval College at Tientsin, in the matter of inviting candidates to compete at the entrance examinations:

Be it known that in each of the Engineering and Executive departments of the Naval College at Tientsin there are a prescribed number of sixty candidates who are being trained for service in the Imperial Navy. Since the college was established in 1881, a class of thirty cadets have graduated, and they have been appointed on board our men of war, or have been sent

abroad

abroad to study the tactics of naval warfare. They are all receiving ample salaries and substantial promotions, being selected as the country's bulwarks against the insults of foreign foes.

At present a class of thirty-nine students have just completed their studies and will be placed on board training ships some time during the fourth moon. Exclusive of those who have already been examined and selected to fill the vacancies made by the graduating class, there yet remain twenty and more candidates to be selected.

Therefore, I, the Mamagee, promulgate this proclamation to invite candidates to compete at the examinations, and the scholars and people of the district of Kientsin are hereby informed that

should

should any of them belonging to respectable families have sons or brothers who are under eighteen years of age, having strong constitutions and robust intellects, and who can write essays or other literary productions, desire to be examined, they must first submit to the college authorities a statement of the candidate's age, his place of birth, and his antecedents; and then, upon their arrival at the college, he will be examined. And those candidates whose family genealogical records are untainted, and who possess requisite literary ability, will be selected fairly by the Managers, who will show no respect of persons. You must not ask the indirect assistance of the college faculty, hereby hoping to secure

secure admission on any ground other than that of personal merit. If candidates are unable to compose literary essays, it will be unnecessary for them to undertake the trouble of coming from afar. Candidates who are selected will first have their names enrolled and wait for further announcements by the College. When the day arrives for them to enter upon their studies they will proceed to the college, accompanied by one of their relations, who will draw up the necessary papers of agreement. After that they will enter upon their studies, and at the expiration of three months probation, those who are finally selected will be given a monthly allowance of

Taels

tails four each. Should any afterwards distinguish themselves by exceptional scholarships, rewards and promotions will be accorded to them. Let the people be inspired with ambition, and be not negligent of their best interests.

DEPARTMENT OF STATE
JUL 21 1888
RECEIVED.

No 641. One enclosure

2D ASSISTANT SECRETARY.
Copy to Treasury Dept for its information & ack'd accordingly — aaA
JUL 21 1888

Legation of the United States.
July 2 p. Cutler
Peking, May 14th, 1888.
July 23. cifd Gc

Mr Charles Denby
to Mr
Secretary of State

Subject
Customs Revenue Cruisers
for Chinese Government.

Synopsis
Mr. Denby gives an account
of two cruisers built in
England for the above service
to guard against smuggling
of opium, &c.

— ... —

No 641. One enclosure.

Legation of the United States.

Peking, May 14th, 1888.

Honorable Thomas F. Bayard.

Secretary of State

Washington.

Sir:—

Under the Anglo-Chinese convention of 1885, relating to opium, by which the likin and duty were subsequently arranged to be collected by the Foreign Customs, it was considered essential by the Government, in view of the powerful inventions of the Chinese to smuggle — the facilities for which are very great in the southern ports — that a more perfect machinery of supervision should be brought into operation for the prevention

prevention of the evasion of the revenue.

Therefore, Sir Robert Hart, Inspector-General of Customs, by direction of the Chinese Government, ordered from Sir W. G. Armstrong, Mitchell & Co, Newcastle, three revenue cruisers for the Foreign Customs Service. These vessels were, on the 23d of March last taken over officially by representatives of the Chinese Government. They are expected in China shortly and I understand will be placed on guard duty on the waters in the vicinity of Canton, Hongkong and Macao.

It may be proper to observe that the stimulus to smuggling caused by the levy of the Entire duty on the drug has increased,

and

and it will be no easy task to stop leakages in the but prevention system. Especially in the Canton waters which are infested with smugglers.

I enclose a newspaper clipping
1640 giving an account of these vessels.

I have the honor to be,
Sir
Your Obedient Servant
Charles Denby

Enclosure 1.
Newspaper clipping as above.

From North China Daily News
May 7th 1888.

On the 22nd instant Mr. J. Duncan Campbell, C.M.G., Commissioner of Chinese Customs, and representative of Sir Robert Hart, K.C.M.G., Inspector-General of Chinese Customs, took over officially three Revenue cruisers, which have been built by Sir W. G. Armstrong, Mitchell, and Co., Newcastle, under his direction, for the Customs Service of the Imperial Chinese Government; and Mr. Fung-Yee, Secretary of the Chinese Legation in London, represented His Excellency the Chinese Minister at the hoisting of the Chinese flag under a salute of twenty-one guns from each cruiser. The vessels in question are the *Chuen-Tiao*, of 700 tons, and *Li Kin*, and *Kai-Pan*, each of 500 tons, and, with the exception of a small difference in their size, the vessels in general appearance are precisely the same. They are formidable looking little vessels, smartly rigged as three-masted schooners, and have full poops, topgallant forcastles, and hurricane decks amidships, under which erection (as well as in the 'tween decks, both before and abaft the machinery space) are provided most airy and comfortable cabins and accommodation for the officers and crew. The vessels are built to the highest class at Lloyd's, and all their arrangements are made of the most complete character to fit them for their intended service. Each vessel is fitted with two 20-pounder breechloading Armstrong guns and two rapid-fire Hotchkiss guns, the guns being so disposed as to fire on either beam, and also right ahead and astern. The vessels are fitted with triple expansion engines, manufactured by the Wallsend Slipway and Engineering Company, capable of propelling them at a speed of twelve knots. The machinery is of the best description, combined with all the latest improvements for efficiency and economy of fuel. The officers on board of the vessels are Europeans, but the crews are Chinese. The latter arrived about a fortnight ago, and went straight on board their ships, which would have sailed ere now but for the continued bad weather preventing the finishing touches being given to them. The cruisers will form a squadron in charge of Captain Wyles as senior officer, commanding the *Chuen-Tiao*; Captain George Hext, the next senior officer, will command the *Kai-Pan*, and Captain Henry Barnes the *Li-Kin*. They left Newcastle on the 24th inst., passed Dover on the 27th, and put into Plymouth for coal on the 28th. In the naming of the three vessels, a very felicitous method has been adopted. Their names are *Chuen-tiao*, *Li-Kin*, and *Kai-pan*, which respectively are interpreted, "Additional Article," "Inland Transit Dues," and "Enforced." As we have previously stated, the vessels are for the purpose of guarding the revenue arising out of the Salisbury-Tsêng agreement of July, 1885, relating to opium. The vessels are named in commemoration of this "additional article" of the Chefoo Convention of 1876.

TMENT
UL 2
ECE

2D ASSISTANT SECRETARY.
Acktd. Confidential
JUL 2 1888

Cist. of March 17.88.
Should have been 29 J
July 3. 1888.
Cider

No 642.

Legation of the United States.

TMENT OF STATE
UL 2 1888
ECEIVED.

Peking, May 14th, 1888.

Mr. Denby to the
Secretary of State.

Subject
Ack'n despatches received.

8

No 642.

Legation of the United States.
Peking May 14th 1888.

To the Honorable,
Thomas F. Bayard,
Secretary of State,
Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of your despatches as follows:

No 294	of	March 9th	1888.
" Confidential		" 17th	"
" 296		" 20th	"
" 297		" 20th	"
" 298		" 21st	"
" 299		" 22nd	"
" 300		" 23rd	"

Circulars

Circular March 23rd 1888

No 301 " 24th "

Circular " 26th "

No 295 has never been received.

Your circular of March 23rd 1888 relating to the revised Consular Regulations of 1888, also a copy of the said Regulations. Also your circular of March 26th 1888, relating to the change of fees to one dollar from five for passport.

Have the honor to be,

Sir,

Your obedient servant,

Charles Denby

DEPARTMENT OF STATE
JUL 21 1888
RECEIVED.

No 643.

2D ASSISTANT SECRETARY.
Ack. by Number and File.
JUL 21 1888

Legation of the United States
Peking, May 21st 1888.

Mr. Charles Denby
to the
Secretary of State

Subject.
Emperor moved his Court
yesterday to Imperial
Pleasure Grounds.

No 643.

Legation of the United States
Peking, May 21st, 1888.

Honorable Thomas F. Bayard.
Secretary of State,
Washington.

Sir:—

Referring to my despatch No 590, of March 17th ultimo, I have the honor to inform you that the Court circular of yesterday's Gazette announces that His Majesty the Emperor will at 5 o'clock a.m. move his Court to the Imperial Pleasure Grounds and there remain during the warm weather.

I have the honor to be
Sir,
Your obedient Servant
Charles Denby

DEPARTMENT OF STATE
JUL 21 1888
RECEIVED.

No 644.

Legation of the United States.

Peking, May 21st 1888.

2D ASSISTANT SECRETARY.
Ack. by Number and File.
JUL 21 1888

Mr. Denby to the

Secretary of State.

Subject.

Wreck of San Pablo.

Synopsis.

Reports assistance rendered by Chinese authorities in the case of the San Pablo.

APR 1888

No. 644.

Legation of the United States.

Peking, May 21st 1888.

PRINTED
FOREIGN RELATIONS
1888

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D. C.

Sir:

I have learned from a despatch, received from Mr. Consul Wingate at Foochow, that, on hearing from Consul General Kennedy of the wreck of the American Steamer "San Pablo", near the island of Haitan on the coast of Fukien, he applied to Mr. Chang, a Taotai

at

at Foochow, and the Imperial Commissioner of the Foochow Arsenal, for a gunboat to be sent to the wreck to render any needed assistance.

This request was complied with, but it is claimed that the local authorities were not efficient in protecting the property from looters. I understand that a claim will be presented for damages, which will receive proper attention. The San Pablo became a total wreck. There was considerable looting by fishermen and the residue was sold at public

auction

auction and brought
something over $1100.00.

I have the honor to be,
Sir,
Your obedient servant,
Charles Denby

DEPARTMENT OF STATE
JUL 12 1888
RECEIVED.

2D ASSISTANT SECRETARY.
Send the books to the Surgeon-Genl's library - Clerk - accordingly - aaa
JUL 13 1888

Inquiry of Dr Billings relative books he reached his library understanding here being that it was Aug 24 88 Cin'ti

No 645.

Sent by Chief Statistical Bureau - Customs Treasury Dept

Legation of the United States.

Peking, May 24th, 1888.

Wm Charles Denby

to the

Secretary of State

Subject.

Mr. Denby informs Department that he has mailed a copy of a new publication entitled "List of Medicines exported from Hankow and the other Yangtze Ports"

No 645.

Legation of the United States
Peking, May 24th, 1888.

Honorable Thomas F. Bayard.
Secretary of State
Washington.

Sir:—

I am sending the Department a copy of a new work published by order of Sir Robert Hart, Inspector General of Customs, entitled "List of Medicines imported from Hankow and the other Yangtze Ports". It gives the names of as many as 375 different kind of drugs, a description of them, some of the uses the Chinese make of them, value, etc: and cannot fail to prove an important contribution toward the understanding

of

of Chinese Materia Medica. —

The book also contains other information that may prove of interest to the Department.

I have the honor to be,

Sir,

Your obedient servant

Charles Denby

DEPARTMENT OF STATE
JUL 21 1888
RECEIVED.

No 646. Ins Embassies.

Legation of the United States
Peking, May 26th, 1888.

2D ASSISTANT SECRETARY.
acted July 25
Crosby
JUL 21 1888

Cop. Aug 1888

Mr. Charles Denby
to the
Secretary of State

Subject
Exclusion of Chinese in
Australia.

Synopsis.

Mr. Denby makes some
observations in a recent
action taken by Australian
authorities to restrict Chinese
immigration, etc.

1/64

No 646. Two Enclosures.

Legation of the United States.

Peking, May 26th, 1888.

Honorable Thomas F. Bayard.

Secretary of State.

Washington.

PRINTED
FOREIGN RELATIONS
1888

Sir:—

I have the honor to enclose for your information, a newspaper copy of a letter presented by the Hongkong Chamber of Commerce, to the Hongkong Government; also one addressed to the committee of the Chamber of Commerce by the leading Chinese merchants of the colony, both having relation to the recent action of the Australian authorities in refusing to allow Chinese passengers to land at Australian ports.

646.

If

It appears that 270 Chinese labourers who took passage per steamer "Afghan" at Hongkong, on the 27th of March last, were refused permission to land at Melbourne. Other steamers from Hongkong to Australia, whose departures were subsequent to the "Afghan", it is feared, will meet the same fate.

The China press is full of bitter attacks against the Australian colonies and views the stoppage of Emigration, as not only arbitrary, but high handed with a vengeance, as no notice, it is alleged, ~~was~~ was given by the Australian authorities of the intended exclusion of Chinese labourers; and that very heavy losses will result to the owners

and

and charters of vessels which have been specially constructed for the trade.

On the other hand, I understand that the Australian Governments justify the action taken under the Chinese Emigration Statute of 1865, and Chinese Act of 1861.

The following is a copy of a telegram dated Melbourne, the 8th of May, addressed by the Governor of Victoria to the Governor of Hongkong, as published in the Hongkong papers:—

"Referring to your telegram 4th
"May, my Government are
"acting under Chinese Immigrant
"Statute 1865, and Chinese Act 1881.
"Chinese immigrants by "Afghan" to
"Victoria

"Victoria naturalization papers
"presented by Chinese immigrants
"claiming to be naturalized British
"subjects have nearly in all cases
"been found to have been issued
"to others than the ostensible
"holders, attempting consequently
"fraudulent evasion of poll tax,
"the consequence being Government
"strictly enforcing steps, under
"Order in Council passed under
"Public Health Act's authority
"results from Hongkong, Singapore,
"etc., liable to detention by Health
"Officer"

64

Whatever may be said pro and con in the matter of the action taken in the "Afghan" case, there is one thing almost certain,

and

and that it, there has been a strong anti chinese feeling prevailing in Australia for a considerable time and it may reasonably be conjectured that the adoption of measures for the restriction of chinese immigration would be favorably received by a large class of colonists - principally the workingmen.

As an index of the public sentiment on this question, I need only refer to the account

646. of a public meeting held at Sydney, on the 27th March last, which forms an Enclosure, - No 2.

As further evidence that the colonists are anxious to reduce to as small a degree as possible the influx of chinese labourers the following

following telegram taken from an Australian paper show:- I give it in full:-

"Sydney, 10th April.

"The New South Wales Government
"has despatched a reply to the Secretary
"of State for the Colonies in the
"Chinese protest, couched in very
"clear and forcible language.
"It commences by asking the
"British Government why, if
"America prohibits Chinese
"immigration, the Colonies
"should not do so for the
"same reason. As in
"America, the working classes
"of Australia are directly
"opposed to them; there
"can be no sympathy or

"peace

"peace between the races,
"neither any interchange
"of ideas, of religion, or
"citizenship, intermarriage,
"or social communication.
"It asserts that the Australians
"are determined to preserve
"the British types of race,
"and that if protection
"cannot be afforded as bought,
"Australia must act from
"the force of public opinion.
"The reading of the above
"despatch in the Sydney
"House of Assembly elicited
"great cheers which were
"renewed when Sir H
"Parkes replied that if
"unfortunately the reply
"of

"of the Imperial Authorities
"was unfavorable, it would
"then unquestionably be
"the Government's duty
"without loss of a single
"day, to take steps to protect
"the Colony once and for
"ever from the influx of
"Chinese."

It is reported that some of the leading Chinese in Australia have requested that the matter be brought under the notice of the Viceroy at Canton, and he be urged to take diplomatic action; but I have not, as yet, been able to ascertain that any such action has been taken by that officer, (nor that the

Foreign

Foreign Office have had any correspondence with H.B. Mr Minister has on the subject. omit.

I have the honor to be,

Sir,

Your Obedient Servant

Charles Denby

Enclosures.

1. Newspaper copy of letter of Chamber of Commerce of Hongkong and of Chinese residents to Committee as above.

2. Account of public meeting held at Sydney March 27th as above.

Enclosure 1 to despatch 646.

THE HONGKONG CHAMBER OF COMMERCE AND CHINESE EXCLUSION IN AUSTRALIA.

The following letter has been addressed by the Chamber of Commerce to the Government:—

Hongkong General Chamber of Commerce,
Hongkong, 7th May, 1888.

Sir,—By desire of the Committee of the Chamber of Commerce, I have the honour to bring to the immediate notice of His Excellency the Governor the following resolution which was passed unanimously at a special meeting of the Committee, held to-day, to consider the question of the refusal of the Australian Colonies to admit Chinese subjects into their ports:—

Resolved—That in the opinion of the Committee, the action of the Australian Governments, prohibiting the landing of Chinese in the Australian Ports, intelligence of which has been received by telegraph, is a subject demanding the very grave consideration of H. M. Government.

1st.—Because it is not consonant with British methods of Government of justice that tradal regulations should be instantly suspended without ample notice to permit of those interested conforming therewith, for the action of these Australian Colonies threatens to involve those engaged in the trades affected by the new regulations with very serious loss for which apparently no compensation is offered. Merchants depending upon the good faith of the Australian Governments having complied with regulations, in force when their engagements were made, are, at a moment's notice without warning of any kind, subjected to limitations with which they are powerless to comply.

2nd.—That the refusal to permit the landing of Chinese in the Australian Colonies is fraught with most serious consequences to British interests in China Perhaps at this juncture no prominent notice may be taken by the Chinese Government of the restriction imposed upon the rights of its subjects, conceded under Treaties with Great Britain, still the Committee cannot but deplore the dangerous precedent that has been set, and which will doubtless very seriously affect the promotion of England's friendly intercourse with China in the near future."

I am also requested to forward to you, for the information of His Excellency, copy of a letter dated to-day and addressed to the Committee by the leading Chinese merchants of this Colony, bearing upon the question; the names of the signatories are in the possession of the Chamber and can be furnished to the Government, if required.

I have &c., (Sd.) P. Ryrie, Chairman.

Hon. F. Stewart, LLD., Colonial Secretary.

Hongkong, 7th May, 1888.

Gentlemen,—We have received a telegram from Australia informing us that the Australian authorities refused permission to Chinese passengers to land under any circumstances, and that the passengers by several steamers recently arrived there from Hongkong were turned back unceremoniously and without any previous warning. We are quite at a loss to understand this most unjustifiable action of the Australian Government, especially after having had long commercial intercourse with our port and other ports of China. We cannot but view the present action of the Australian Government as a direct infringement of all international law and usages and a violation of treaty rights between civilised nations. The passengers who are subject to this exclusive policy embarked from the colony without the slightest previous knowledge or notice, and their being turned back in this arbitrary manner will, in our opinion, injure the trade of this Colony and entail much hardship and loss both to the passengers themselves and local shipowners and mercantile firms. We therefore, having met together in long deliberation resolve to approach you and request your kind assistance in getting a satisfactory settlement of this difficulty and to obtain right and justice from the Australian Government, and, if necessary, to move His Excellency the Governor of Hongkong to communicate by cable with the Government in question with a view to having the restriction removed.

We are, &c.,

[Here follow signatures.]

To the Committee of the Hongkong General Chamber of Commerce.

Enclosure 2 - Despatch 646.

Sydney, March 27th.

A large and enthusiastic meeting was held to-night, under the auspices of the Anti-Chinese League, in the Sydney town hall, to protest against the influx of Chinese into Australia and the present legislation regarding Chinese. The mayor presided, and amongst the speaker of the Legislative Assembly, Messrs. Dibbs, Fletcher, Melville and Schey, M.P.'s, and Mr. Talbot, president of the league. This following resolutions were carried without a single dissentient:—

1.—That the almost unrestricted influx of Chinese into Australia will, if continued, threaten our social and political welfare, and that the time has arrived for the imposition of substantial and effective restrictions on their further introduction.

2.—That this meeting of citizens desires to express its strong objection to any action on the part of the Government of China in giving assistance or encouragement to Chinese immigration into Australasia, and calls upon the Home Government to maintain the right of the Australian colonies to frame such laws as they may consider necessary to ensure in this continent a preponderance of the British race.

A deputation was appointed to present the resolutions to the Governor.

DEPARTMENT OF STATE
JUL 21 1888
RECEIVED.

No 647.

Legation of the United States.
Peking, June 1st, 1888.

Mr. Charles Denby
to the
Secretary of State

Subject
Customs Gazette 1st Quarter
1888.

Synopsis
Mr. Denby gives a summary
of store, concerning American
imports.

Rec'd July 12/1888

No. 647.

Legation of the United States.

Peking, June 1st, 1888.

Honorable Thomas F. Bayard

Secretary of State

Washington.

PRINTED
PRESIDENTIAL
1888

Sir:—

I am sending the Department under separate cover, the Customs Gazette, embracing the quarter ending the 31st of March 1888.

From the figures presented, the total collections at the Treaty ports for the period under review have been Haikwan taels 4.349.668.4.8.2, against 3.106.872.6.1.2. in 1887, or say U.S. Gold $5.219.602, and $3.728.247, respectively.

Of the principal American imports the showing is not discouraging.

Though

though there appears a decrease in Kerosene oil at Shanghai,- the chief place of import,- for the quarter, of 1.159.075 gallons, as against the same period last year, still this should not be taken as an indication of a falling off in the consumption, as I know that the stock on hand at the beginning of this year amounted to over 5.000.000 gallons.

The total importation of all kinds of American piece goods at this same port, was 427.610 pieces as against 274.590 pieces for the same quarter of 1887, showing an increase of 153.020 pieces.

From the statistics of the American import trade with Corea, an improvement is noticeable. Kerosene shows an

increase

increase for the quarter of 26.920 gallons as compared with the importation for same period 1887 and in prices goods the excess is 900 pieces.

I have the honor to be,

Sir,

Your Obedient Servant

Charles Denby

Pamphlets to Mr. Flint

DEPARTMENT OF STATE
JUL 21 1888
RECEIVED.

No 648.

Legation of the United States.
Peking, June 5th, 1888.

Mr. Charles Denby
to the
Secretary of State

Subject
Francis' Returns of Foreign
Trade for the year 1887.

No 648.

Legation of the United States.

Peking, June 5th 1888.

Honorable Thomas F. Bayard.

Secretary of State.

Washington.

Sir:—

I have the honor to transmit to the Department, under separate cover, two copies of the Returns of Foreign Trade with China for the year 1887, issued by order of the Inspector General of Customs. The tables presented - which are made up from the returns of the Commissioners of Customs at the several Treaty ports - are accompanied by a very able report compiled by the Statistical

Secretary

Secretary of Customs. In it he gives a concise summary of the principal features of the foreign trade with China for the year under review.

As the results presented have been carefully prepared and are given in such a clear and complete manner, it does not seem necessary for me to traverse the same ground; and in submitting the Returns I cannot do better than ask your reference to the Statistical Secretary's report.

I have the honor to be

Sir,

Your Obedient Servant,

Charles Denby

DEPARTMENT OF STATE
JUL 21 1888
RECEIVED.

No 649.

Legation of the United States.

Peking, June 11th, 1888.

2D ASSISTANT SECRETARY.
Ack. by Number and File.
JUL 21 1888

Mr. Denby to the

Secretary of State.

Subject.

Acknowledging despatches

No 649.

Legation of the United States.

Peking June 11th 1888.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D. C.

Sir:

I have the honor to acknowledge the receipt of your despatches as follows: No 302 of April 9th, No 303 same date, No 304 of April 10th and No 305 of same date, 1888.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

No 650.

DEPARTMENT OF STATE
AUG 2 1888
RECEIVED.

Legation of the United States.

Peking June 17th, 1888.

2D ASSISTANT SECRETARY.
Ack. by Number and File. alf
AUG 2 1888

Mr. Denby to the

Secretary of State

Subject.

Acknowledging despatches.

No 650.

Legation of the United States.
Peking, June 17th 1888.

To the Honorable
Thomas F. Bayard
Secretary of State
Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of your despatches as follows:

No 306 of April 17th
" 307 " " 23rd
" 308 " " 25th

with enclosures.

I have the honor to be,
Sir,
Your obedient servant,
Charles Denby

DEPARTMENT OF STATE
AUG 20 1888
RECEIVED.

file.

No 651. One Enclosure

2D ASSISTANT SECRETARY.
Library will note in accession catalogue as usual
Ack. by Number and File.
AUG 21 1888

Legation of the United States
Peking, June 25th, 1888.

Mr. Charles Denby
to the
Secretary of State

Subject
Enclosing English text of
Treaty between Portugal and
China.

No 651. One Enclosure

Legation of the United States
Peking, June 25th 1888.

Honorable Thomas F Bayard
Secretary of State
Washington.

RECEIVED
FOREIGN RELATIONS
1888

Sir:—

Referring to my despatch No 638, of date the 5th of May ultimo, I now have the honor to transmit herewith the English text of the Treaty between Portugal and China and convention appended thereto.

I have the honor to be,
Sir,
Your obedient Servant
Charles Denby

651.

Enclosure 1. Treaty as above

Enclosure 1. despatch No. 651.

Treaty of Amity and Commerce between Portugal and China.

PREAMBLE OF THE TREATY.

His Most Faithful Majesty the King of Portugal and Algarves, and His Imperial Majesty the Emperor of China, desiring to draw closer and to consolidate the ties of friendship which have subsisted already for more than 300 years between Portugal and China, and having agreed at Lisbon the 26th day of March, 1887, 2nd day of the 3rd moon of the 13th year of the reign of the Emperor Kuang-hsü, through their representatives, on a Protocol of four articles, have now resolved to conclude a treaty of amity and commerce to regulate the relations between the two states. For this end they have appointed as their Plenipotentiaries:

His Most Faithful Majesty the King of Portugal and Algarves, Thomaz de Souza Roza, His Envoy Extraordinary and Minister Plenipotentiary in special mission to the Court of Peking, Knight of the Order of Nossa Senhora de Conceição de Villa Viçosa, Grand Cross of the Order of the Rising Sun of Japan and of the Crown of Siam, Commander of the Order of Charles III. and of Isabella the Catholic of Spain, and Knight of the Iron Crown of Austria.

His Imperial Majesty the Emperor of China, His Highness Prince Ch'ing, President of the Tsung-li Yamên, and Sun, Senior Vice-President of the Board of Works and Minister of the Tsung-li Yamên, who after having communicated to each other their respective full powers and found them to be in good and due form, have agreed upon the following articles:

Art. I.—There shall continue to exist constant peace and amity between His Most Faithful Majesty the King of Portugal and the Algarves and His Imperial Majesty the Emperor of China, whose respective subjects shall equally enjoy, in the dominions of the High Contracting Parties, the most complete and decided protection for their persons and property.

Art. II.—China confirms in its entirety the second article of the protocol of Lisbon, relating to the perpetual occupation and government of Macao by Portugal.

It is stipulated that Commissioners appointed by both Governments shall proceed to the delimitation of the boundaries which shall be determined by a special convention; but so long as the delimitation of the boundaries is not concluded, everything in respect to them shall continue as at present, without addition, diminution, or alteration by either of the parties.

Art. III.—Portugal confirms, in its entirety, the third article of the protocol of Lisbon, relating to the engagement never to alienate Macao without previous agreement with China.

Art. IV.—Portugal agrees to co-operate with China in the collection of duties on opium exported from Macao into Chinese ports, in the same way, and as long as England co-operates with China in the collection of duties on opium exported from Hongkong into Chinese ports.

The basis of this co-operation will be established by a convention appended to this treaty, which shall be as valid and binding to both the High Contracting Parties as the present treaty.

Art. V.—His Most Faithful Majesty the King of Portugal and the Algarves may appoint an Ambassador, Minister, or other diplomatic agent to the Court of His Imperial Majesty the Emperor of China, and this agent as well as the persons of his suite and their families, will be permitted, at the option of the Portuguese Government, to reside permanently in Peking, to visit that Court, or to reside at any other place where such residence is equally accorded to the diplomatic representatives of other nations. The Chinese Government may also, if it thinks fit, appoint an Ambassador, Minister, or other diplomatic agent to reside at Lisbon, or to visit that Court when his Government shall order.

Art. VI.—The diplomatic agents of Portugal and China shall reciprocally enjoy in the place of their residence all the prerogatives and immunities accorded by the law of nations; their persons, families, and houses, as well as their correspondence shall be inviolate.

Art. VII.—The official correspondence, addressed by Portuguese authorities to the Chinese authorities, shall be written in the Portuguese language accompanied by a translation in Chinese, and each nation shall regard as authoritative the document written in its own language.

Art. VIII.—The form of correspondence between the Portuguese and the Chinese authorities will be regulated by their respective rank and position, based upon complete reciprocity. Between the high Portuguese and Chinese functionaries at the capital, or elsewhere, such correspondence will take the form of dispatch (Chan-hoei); between the subordinate functionaries of Portugal and the chief authorities of the provinces, the former shall make use of the form of exposition (Xen-chen) and the latter that of declaration (Cha-hing); and the subordinate officers of both nations shall correspond together on terms of perfect equality. Merchants and generally all others who are not invested with an official character, shall adopt, in addressing the authorities, the form of representation or petition (Pin-ching.)

Art. IX.—His Most Faithful Majesty the King of Portugal and the Algarves may appoint Consuls-general, Consuls, Vice-consuls, or Consular agents in the ports or other places where it is allowed to other nations to have them. These functionaries will have powers and attributions similar to those of the Consuls of other nations, and will enjoy all the exemptions, privileges, and immunities, which at any time the consular functionaries of the most favoured nation may enjoy.

The Consuls and the local authorities will show to each other reciprocal civilities and correspond with each other on terms of perfect equality.

The Consuls and acting Consuls will rank with Tau-tais; Vice-Consuls, acting Vice-Consuls, Consular agents and interpreters-translators, with Prefects. The Consuls must be officials of the Portuguese Government and not merchants. The Chinese Government will make no objection in case the Portuguese Government should deem it unnecessary to appoint an official Consul at any port and choose to entrust a Consul of some other nation for the time being, with the duties of Portuguese Consul at that port.

Art. X.—All the immunites and privileges, as well as all the advantages concerning commerce and navigation, such as any reduction in the duties of navigation, importation, exportation, transit, or any other which may have been or may be hereafter granted by China to any other State or to its subjects, will be immediately extended to Portugal and its subjects. If any concession is granted by the Chinese Government to any foreign Government under special conditions, Portugal, on claiming the same concession for herself and for her own subjects, will equally assent to the conditions attached to it.

Art. XI.—Portuguese subjects are allowed to reside at, or frequent, the ports of China, opened to foreign commerce, and there carry on trade or employ themselves freely. Their boats may navigate without hindrance between the ports open to foreign commerce, and they may import and export their merchandise, enjoying all the rights and privileges enjoyed by the subjects of the most favoured nation.

Art. XII.—Portuguese subjects shall pay import and export duties on all merchandise according to the rates specified in the tariff of 1858, adopted for all the other nations; and in no instance shall higher duties be expected from them than those paid by the subjects of any other foreign nation.

Art. XIII.—Portuguese subjects are permitted to hire any description of boats they may require for the conveyance of cargo or passengers, and the price of said hire will be fixed by the contracting parties alone, without interference of the Chinese Government. No limit shall be put to the number of boats, neither will it be permitted to any one to establish a monopoly of such boats or of the services of coolies employed in the carriage of merchandise.

Should contraband articles be on board any such boats, the guilty parties shall immediately be punished according to law.

Art. XIV.—Portuguese subjects residing in the open ports may take into their service Chinese subjects, and employ them in any lawful capacity in China, without restraint or hindrance from the Chinese Government; but shall not engage them for foreign countries in contravention of the laws of China.

Art. XV.—The Chinese authorities are bound to grant the fullest protection to the persons and to the property of Portuguese subjects in China, whenever they may be exposed to insult or wrong. In case of robbery or incendiarism, the local authorities will immediately take the necessary measures to recover the stolen property, to terminate the disorder, to seize the guilty, and punish them according to the law. Similar protection will be given by Portuguese authorities to Chinese subjects in the possessions of Portugal.

Art. XVI.—Whenever a Portuguese subject intends to build or open houses, shops or warehouses, churches, hospitals, or cemeteries, at the Treaty ports, or at other places, the purchase, rent, or lease of these properties shall be made out according to the current terms of the place, with equity, without exaction on either side, without offending against the usages of the people, and after due notice given by the proprietors to the local authority. It is understood, however, that the shops or warehouses above mentioned shall only be allowed at the ports open to trade, but not in any place in the interior.

Art. XVII.—Portuguese subjects conveying merchandise between open ports shall be required to take certificates from the Superintendent of the Custom-house, such as are specified in the regulations in force with reference to other nationalities.

But Portuguese subjects, who without carrying merchandise, should like to go to the interior of China, must have passports issued by their Consuls and counter-signed by the local authorities. The bearer of the passport must produce the same when demanded, and the passport not being irregular he will be allowed to proceed and no opposition shall be offered, especially to his hiring persons or vessels for the carriage of his baggage or merchandise.

If he be without a passport, or if he commits any offence against the law, he shall be handed over to the nearest Consul of Portugal to be punished, but he must not be subjected to any oppressive measure. No passport need be applied for by persons going on excursions from the ports open to trade to a distance not exceeding 100 *li* and for a period not exceeding five days.

The provisions of this artile do not apply to crews of ships, for the due restraint of whom regulations will be drawn up by the Consul and the local authorities.

Art. XVIII.—In the event of a Portuguese merchant vessel being plundered by pirates or thieves within Chinese waters, the Chinese authorities are to employ their utmost exertions to seize and punish the said robbers and to recover the stolen goods, which, through the Consul, shall be restored to whom they belong.

Art. XIX.—If a Portuguese vessel be shipwrecked on the coast of China, or be compelled to take refuge in any of the ports of the Empire, the Chinese authorities, on receiving notice of the fact, shall provide the necessary protection, affording prompt assistance and kind treatment to the crews and, if necessary, furnishing them the means to reach the nearest Consulate.

Art. XX.—Portuguese merchant vessels of more than one hundred and fifty tons burden will pay tonnage dues at the rate of four maces per ton; if of one hundred and fifty tons and under they shall be charged at the rate of one mace per ton. Superintendent of the Customs shall grant a certificate declaring that the tonnage dues have been paid,

Art. XXI.—Import duties shall be paid on the landing of goods; and export duties upon the shipment of the same.

Art. XXII.—The Captain of a Portuguese ship may, when he deems convenient, land only a part of his cargo at one of the open ports, paying the duties due on the portion landed; the duties on the remainder not being payable until they are landed at some other port.

Art. XXIII.—The master of a Portuguese ship has the option, within forty-eight hours of his arrival at any of the open ports of China, but not later, to decide whether he will leave port without opening the hatches, and in such case he will not have to pay tonnage dues. He is bound, however, to give notice of his arrival for the legal registering as soon as he comes into port, under penalty of being fine in case of non-compliance within the term of two days.

The ship will be subject to tonnage dues forty-eight hours after her arrival in port, but neither then nor at her departure shall any other impost whatsoever be exacted.

Art. XXIV.—All small vessels employed by Portuguese subjects in carrying passengers, baggage, letters, provisions or any other cargo which is free of duty, between the open ports of China, shall be free from tonnage dues; but all such vessels carrying merchandise subject to duty shall pay tonnage dues every four months at the rate of one mace per ton.

Art. XXV.—Portuguese merchant vessels approaching any of the open ports will be at liberty to take a pilot to reach the harbour; and likewise to take a pilot to leave it, in case the said ship shall have paid all the duties due by her.

Art. XXVI.—Whenever a Portuguese merchant ship shall arrive at any of the open ports of China, the Superintendent of the Customs will send off one or more Custom-house officers, who may stay on board of their boat or on board of the ship, as best suits their convenience These officers will get their food and all necessaries from the Custom-house, and will not be allowed to accept any fee from the captain of the ship or from the consignee being liable to a penalty proportionate to the amount received by them.

Art. XXVII.—Twenty-four hours after the arrival of a Portuguese merchant ship at any of the open ports, the papers of the ship, manifest and other documents, shall be handed over to the Consul, whose duty it will be also to report to the Superintendent of the Customs within twenty-four hours, the name, the registered tonnage, and the cargo brought by the said vessel. If, through negligence or for any other motive, this stipulation be not complied with within forty-eight hours after the arrival of the ship, the Captain shall be subject to a fine of fifty taels for each day's delay over and above that period, but the total amount of the fines shall not exceed two hundred taels.

The captain of the ship is responsible for the correctness of the manifest, in which the cargo shall be minutely and truthfully described, subject to a fine of five hundred taels as a penalty in case the manifest should be found incorrect. This fine, however, will not be incurred if within twenty-four hours after the delivery of the manifest to the Custom-house officers, the captain expressed the wish to rectify any error which may have been discovered in the said manifest.

Art. XXVIII.—The Superintendent of Custom will permit the discharging of the ship as soon as he shall have received from the Consul the report drawn it due form. If the captain of the ship should take upon himself to commence discharging without permission, he shall be fined five hundred taels, and the goods so discharged shall be confiscated.

Art. XXIX.—Portuguese merchants having goods to ship or to land, will have to obtain a special permission from the Superintendent of Customs to that effect without which all goods shipped on landed shall be liable to confiscation

Art. XXP.—No transhipment of goods is allowed from ship to ship without special permission, under penalty of confiscation of all the goods so transhipped.

Art. XXXI.—When a ship shall have paid all her duties, the Superintendent of Customs will grant her a certificate and the Consul will return the papers, in order that she may proceed on her voyage.

Art. XXXII.—When any doubt may arise as to the value of goods which by the tariff are liable to an *ad valorem* duty, and the Portuguese merchant disagrees with the Custom-House officers as regards the value of said goods, both parties will call two or three merchants to examine them, and the highest offer made by any of the said merchants to buy the goods will be considered as their just value.

Art. XXXIII.—Duties will be paid on the net weight of every kind of merchandise. Should there be any difference of opinion between the Portuguese merchant and the Custom-house officer as to the mode by which the tare is to be fixed, each party will choose a certain number of boxes or bales from among every hundred packages of the goods in question, taking the gross weight of said packages, then the tare of each of the packages separately, and the average tare resulting therefrom will be adopted for the whole parcel.

In case of any doubt or dispute not mentioned herein, the Portuguese merchant may appeal to the Consul, who will refer the case to the Superintendent of Customs; this officer will act in such a manner as to settle the question amicably. The appeal, however, will only be entertained if made within the term of twenty-four hours; and in such a case no entry is to be made in the Custom-house books in relation to the said goods until the question shall have been settled.

Art. XXXIV.—Damaged goods will pay a reduced duty proportionate to their deterioration; any doubt on this point will be solved in the way indicated in the clause of this Treaty with respect to duties payable on merchandise *ad valorem*.

Art. XXXV.—Any Portuguese merchant, who having imported foreign goods into one of the open ports of China and paid the proper duties thereon, may wish to re-export them to another of the said ports, will have to send to the Superintendent of Customs an account of them, who, to avoid fraud, will direct his officers to examine whether or not the duties have been paid, whether the same have been entered on the books of the Customs, whether they retain their original marks, and whether the entries agree with the account sent in. Should everything be found correct, the same will be stated in the export permit together with the total amount of duties paid, and all these particulars will be communicated to the Custom-house officers at other ports.

Upon arrival of the ship at the port to which the goods are carried, permission will be granted to land without any new payment of duties whatsoever, if, upon examination, they are found to be the indentical goods; but if during the examination, any fraud be detected, the goods may be confiscated by the Chinese Government.

Should any Portugese merchant wish to re-export to a foreign country, any goods imported, and upon which duties have been already paid, he will have to make his application in the same form as required for the re-exportation of goods to another port in China, in which case a certificate of drawback or of restitutions of duties will be granted, which will be accepted by any of the Chinese Custom-houses in payment of import or export duties.

Foreign cereals imported by Portuguese ships into the ports of China may be re-exported without hindrance, if no portion of it has been discharged.

Art. XXXVI.—The Chinese authorities will adopt at the ports the measures which they may deem the most convenient to avoid fraud or smuggling.

Art. XXXVII.—The proceeds of fines and confiscations inflicted on Portuguese subjects, in conformity to this Treaty, shall belong exclusively to the Chinese Government.

Art. XXXVIII.—Portuguese subjects carrying goods to a market in the interior of the country, on which the lawful import duties have already been paid at any of the open ports, or those who buy native produce in the interior to bring to the ports on the Yang-tze-kiang, or to send to foreign ports, shall follow the regulations adopted towards the other nations.

Custom-house officers who do not comply with the regulations, or who may exact more duties than are due, shall be punished according to the Chinese laws.

Art. XXXIX.—The Consuls and local authorities shall consult together, when necessary, as to the construction of Light-houses and the placing of Buoys and Light-ships.

Art. XL.—Duties shall be paid to the bankers authorized by the Chinese Government to receive them in *sycee* or in foreign coin, according to the official assay made at Canton on the 15th July, 1843.

Art. XLI.—In order to secure the regularity of weights and measures and to avoid confusion, the Superintendent of Customs will hand over to the Portuguese Consul at each of the open ports standards similar to those given by the Treasury Department for collection of public dues at the Customs at Canton.

Art. XLII.—Portuguese merchant ships may resort only to those ports of China which are declared open to commerce. It is forbidden to them, except in the case of *force majeure* provided for in the article XIX., to enter into other ports, or to carry on a clandestine trade on the coast of China, and the transgressor of this order shall be subject to confiscation of his ship and cargo by the Chinese Government.

Art. XLIII.—All Portuguese vessels despatched from one of the open ports of China to another, or to Macao, are entitled to a certificate of the Custom-house which will exempt them from paying new tonnage dues, during the period of four months reckoned from the date of clearance.

Art. XLIV.—If any Portuguese merchant ship is found smuggling, the goods smuggled, no matter of what nature or value, will be subject to confiscation by the Chinese authorities, who may send the ship away from the port, after settlement of all her accounts, and prohibit her to continue to trade.

Art. XLV.—As regards the delivery of Portuguese and Chinese criminals, with the exception of the Chinese criminals who take refuge in Macao, and for whose extradition the Governor of Macao will continue to follow the existing practice, after the receipt of a due requisition from the Viceroy of the two Kwangs it is agreed that, in the Chinese ports open to foreign trade, the Chinese criminals who take refuge at the houses or on board the ships of Portuguese subjects, shall be arrested and delivered to the Chinese authorities on their applying to the Portuguese Consul; and likewise the Portuguese criminals, who take refuge in China, shall be arrested and delivered to the Portuguese] authorities on their applying to the Chinese authorities; and by neither of the parties shall the criminals be harboured nor shall there be delay in delivering them.

Art. XLVI.—It is agreed that either of the High Contracting Parties to this Treaty may demand a revision of the Tariff, and of the commercial articles of this Treaty, at the end of ten years; but if no demand be made on either side within six months after the end of the first ten years, then the tariff shall remain in force for ten years more, reckoned from the end of the preceding ten years; and so it shall be, at the end of each successive ten years.

Art. XLVII.—All disputes arising between Portuguese subjects in China, with regard to rights, either of property or person, shall be submitted to the jurisdiction of the Portuguese authorities.

Art. XLVIII.—Whenever Chinese subjects become guilty of any criminal act towards Portuguese subjects, the Portuguese authorities must report such acts to the Chinese authorities in order that the guilty be tried according to the laws of China.

If Portuguese subjects become guilty of any criminal act towards Chinese subjects the Chinese authorities must report such acts to the Portuguese Consul in order that the guilty be tried according to the laws of Portugal.

Art. XLIX.—If any Chinese subject shall have become indebted to a Portuguese subject and withholds payment, or fraudulently absconds from his creditor, the Chinese authorities shall use all their efforts to apprehend him and to compel him to pay, the debt being previously proved and the possibility of its payment ascertained. The Portuguese authorities will likewise use their efforts to enforce the payment of any debt due by any Portuguese subject to a Chinese subject.

But in no case will the Portuguese Government or the Chinese Government be considered responsible for the debts of their subjects.

Art. L.—Whenever any Portuguese subject shall have to petition the Chinese authority of a district, he is to submit his statement beforehand to the Consul, who will cause the same to be forwarded should he see no impropriety in so doing, otherwise he will have it written out in other terms, or decline to forward it. Likewise, when a Chinese subject shall have occasion to petition the Portuguese Consul, he will only be allowed to do so through the Chinese authority, who shall proceed in the same manner.

Art. LI.—Portuguese subjects who may have any complaint or claim against any Chinese subject, shall lay the same before the Consul, who will take due cognizance of the case and will use all his efforts to settle it amicably. Likewise, when a Chinese subject shall have occasion to complain of a Portuguese subject, the Consul will listen to his complaint and will do what he possibly can to re-establish harmony between the two parties.

If, however, the dispute be of such a nature that it cannot be settled in that conciliatory way, the Portuguese Consul and Chinese authorities will hold a joint investigation of the case, and decide it with equity, applying each the laws of his own country according to the defendant.

Art. LII.—The Catholic religion has for its essential object the leading of men to virtue. Persons teaching it and professing it shall alike be entitled to efficacious protection from Chinese authorities; nor shall such persons, pursuing peaceably their calling and not offending against the laws be persecuted or interfered with.

Art. LIII.—In order to prevent for the future any discussion, and considering that the English language, among all foreign languages, is the most generally known in China, this Treaty, with the Convention appended to it, is written in Portuguese, Chinese, and English, and signed in six copies, two in each language. All these versions have the same sense and meaning, but if there should happen to be any divergence in the interpretation of the Portuguese and Chinese versions, the Eglish text will be made use of to resolve the doubts that may have arisen.

Art. LIV.—The present Treaty, with the Convention appended to it, shall be ratified by His Most Faithful Majesty the King of Portugal and the Algarves and His Imperial Majesty the Emperor of China. The exchange of the ratifications shall be made within the shortest possible time, at Tientsin, after which the Treaty, with the Convention appended, shall be printed and published in order that the functionaries and subjects of the two countries may have full knowledge of their stipulations and may fulfil them.

In faith whereof, the respective Plenipotentiaries have signed the present Treaty and have affixed their seals thereto.

Done in Peking, this first day of the month of December in the year of Our Lord Jesus Christ one thousand eight hundred and eighty-seven, corresponding with the Chinese date the 17th days of 10th moon of 13th year of Kwang-Sü.

[L.S.] (Signed) THOMAS DE SOUSA ROSA.
[Chinese Seal.]

Signatures of the Chinese Plenipotentiaries.

Prince CH'ING.

SUN-IU-UEN.

[Ratifications exchanged 28th April, 1888.

CONVENTION APPENDED TO THE TREATY OF AMITY AND COMMERCE CONCLUDED BETWEEN PORTUGAL AND CHINA ON THE 1ST DECEMBER, 1887.

Art. I.—Portugal will enact a law subjecting the opium trade of Macao to the following provisions :—

1.—No opium shall be imported into Macao in quantities less than one chest.

2.—All opium imported into Macao must, forthwith on arrival, be reported to the competent department under a public functionary appointed by the Portuguese Government, to superintendent the importation and exportation of opium in Macao.

3.—No opium imported into Macao shall be transhipped, landed, stored, removed from one store to another, or exported, without a permit issued by the Superintendent.

4.—The importers and exporters of opium in Macao must keep a register, according to the form furnished by the Government, showing with exactness and clearness the quantity of opium they have imported, the number of chests they have sold, to whom and to what place they were disposed of, and the quantity in stock.

5.—Only the Macao opium farmer, and persons licensed to sell opium at retail, will be permitted to keep in their custody raw opium in quantities inferior to one chest.

6.—Regulations framed to enforce in Macao the execution of this law will be equivalent to those adopted in Hongkong for similar purpose.

Art. II.—Permits for the exportation of opium from Macao into Chinese ports, after being issued, shall be communicated by the Superintendent of opium to the Commissioner of Customs at Kung-pacuan.

Art. III.—By mutual consent of both the High Contracting Parties the stipulations of this Convention may be altered at any time. In faith whereof the respective Plenipotentiaries have signed and sealed this Convention. Done in Peking this first day of December in the year of Our Lord Jesus Christ one thousand eight hundred and eighty seven, corresponding with the Chinese date the 17th day of 10th moon of the 13th year of Kwang-Sü.

[L.S.] (Signed) THOMAS DE SOUZA ROZA.
[Chinese Seal]

Singuatures of the Chinese Plenipotentiaries

Prince CH'ING.

SUN-IU-UEN.

DEPARTMENT OF STATE.
AUG 8 1888
RECEIVED.

No 652

Legation of the United States.

Peking June 26th, 1888.

2D ASSISTANT SECRETARY.
Ack. by Number and File.
AUG 8 1888

Mr. Denby to the

Secretary of State.

Subject

Acknowledging receipt of

despatches.

No 652.

Legation of the United States.
Peking, June 26th, 1888.

To the Honorable
Thomas F. Bayard
Secretary of State
Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of your despatches No 309 of April 27th, No 310 of May 5th and No 311 of May 5th 1888.

I have the honor to be,
Sir,
Your obedient servant,
Charles Denby

DEPARTMENT OF STATE
AUG 20 1888
RECEIVED.

Separate. One enclosure.

Legation of the United States
Peking, July 1st, 1888.

Mr. F. D. Gherardi
to the
Secretary of State

Subject.
Account for Loss by Exchange
for quarter ending June 30th 1888.

Separate. One enclosure

Legation of the United States
Peking, July 1st, 1888.

Honorable Thomas F. Bayard
Secretary of State
Washington

Sir:—

I have the honor to hand you enclosed my account for hour by exchange for the quarter ending June 30th, 1888.

I have the honor to be,
Sir,
Your Obedient Servant
F. D. Lawrence
Interpreter of Legation

Enclosure. 1.
Account as above.

DEPARTMENT OF STATE
AUG 20 1888
RECEIVED.

Separate. One enclosure

Legation of the United States
Peking, July 1st, 1888.

Mr. F. D. Cheshire
to the
Secretary of State

Subject
Salary Account for 2d
Quarter 1888.

Separate. No. Enclosure.

Legation of the United States
Peking, July 1st 1888.

Honorable Thomas F. Bayard.
Secretary of State
Washington.

Sir:—

I have the honor to hand you enclosed a statement of my salary account for the quarter ending June 30th 1888.

I have the honor to be,
Sir,
Your Obedient Servant
F. D. Cheshire
Interpreter of Legation

Enclosure 1.
Statement as above.

DEPARTMENT OF STATE
AUG 20 1888
RECEIVED.

No 653. One enclosure.

Legation of the United States
Peking, July 1st, 1888.

Mr. Charles Denby
to the
Secretary of State

Subject
Minister's Salary Account
for 2d Quarter 1888.

No 653 One enclosure

Legation of the United States
Peking, July 1st, 1888.

Honorable Thomas F. Bayard.
Secretary of State
Washington.

Sir:—

I have the honor
653. to hand you enclosed my account
for salary for quarter ending the
30th of June ultimo.

I have the honor to be,
Sir,
Your Obedient Servant
Charles Denby

Enclosure 1.
As above.

DEPARTMENT OF STATE
AUG 20 1888
RECEIVED.

No 654. One enclosure.

Legation of the United States
Peking, July 1st 1888.

Mr. Charles Denby
to the
Secretary of State

Subject
Account for loss by Exchange
2d Quarter 1888.

No 654 Our Endorsement.

Legation of the United States.

Peking, July 1st, 1888.

Honorable Thomas F. Bayard.

Secretary of State

Washington.

Sir:—

I have the honor to

654 hand you enclosed my account for Rent by Exchange for Quarter ending June 30th, 1888.

I have the honor to be,

Sir,

Your Obedient Servant

Charles Denby

Enclosure 1.

Account as above.

DEPARTMENT OF STATE
AUG 20 1888
RECEIVED.

No 655. One enclosure.

Legation of the United States.
Peking, July 1st 1888.

W. Charles Denby
to the
Secretary of State

Subject
Rent account for 2d Quarter
1888.

No 655 On Enclosure.

Legation of the United States.
Peking, July 1st, 1888.

Honorable Thomas F. Bayard
Secretary of State
Washington.

Sir:—

I have the honor to hand
655 you enclosed a statement of the
Rent Account of this Legation for
the quarter ending the 30th of June
1888.

I have the honor to be,
Sir,
Your Obedient Servant
Charles Denby

Enclosure 1.
Statement as above.

DEPARTMENT OF STATE
AUG 20 1888
RECEIVED.

No 656. One enclosure.

Legation of the United States
Peking, July 1st 1888.

Wm. Charles Denby
to the
Secretary of State

Subject
Return of Passports for
second Quarter 1888.

CHINA

No 656. Dis. Endorsement

Legation of the United States.

Peking, July 1st, 1888.

Honorable Thomas F. Bayard.

Secretary of State

Washington.

Sir:—

I have the honor to

656. enclose herewith my Return of Passports issued during the quarter ending the 30th of June 1888.

I have the honor to be,

Sir,

Your obedient Servant

Charles Denby

Enclosure 1.

Return as above.

"U. S. Legation to China"

file

Secretary of State.
JUL 7 1888

"The Tremont", Sea Girt, New Jersey
July 5th 1888

Sir,

I have the honor to tender you the resignation of my office as Secretary of legation in China, and to request that it may take effect from the date of the expiration of the leave of absence which I am now enjoying.

While resigning my office in compliance with the desire which you intimated to me in the interview which you recently granted me, I feel it due to myself to offer a few remarks on some passages of the letters of Minister Denby.

The Honorable
Thomas F. Bayard
Secretary of State.
Washington.

Denby which you were so kind as to
read me. While most of the charges
made against me in these letters are
trivial and show so clearly the writer's
desire to prejudice you against me th
they are unworthy of notice, others are
serious for me to leave unanswered, a
none more so than that by which he
accuses me of neglect of my official
duties. If this charge be true, then
Denby has been systematically perver
the truth in many of his despatches
you, for he has repeatedly commended
your notice my zeal and ability. With
going farther back than September las
Mr. Denby wrote you, when endorsing
application for leave of absence, that
regretted that he would be deprived "ev
temporarily of my valuable and efficie
services." Putting Mr. Denby's utterance
aside, the archives of the legations in
China and Korea can show that I ha

ev

ever done my share of work in whatever position I have been put.

Mr. Denby charges me with habitual absence from the public office of the legation. It has always been the custom in our legation as well as in the other legations at Peking, in view of there being no callers at the offices, and of the close proximity of the houses of the members of the legation, for them to do their work in their respective houses. Both the Mr. Denbys and Mr. Cheshire have no offices, but use as such rooms in their dwellings. In the case of our legation the public office was not furnished, the only desk in it was an old one belonging to me which I had put there to get out of the way, and the carpets, curtains and lamps belonging to it were in use in the Minister's house. Furthermore the building was in such bad repair that it was not habitable in winter. These reasons appeared to me

sufficient

sufficient, as they would have to Mr. Denby had he not been so prejudiced, to justify me doing my work in my library which was quite as near and quite as accessible as the public office.

Mr. Denby alleges that by my relations with members of other legations, I prejudiced them against him. To this charge I oppose the most emphatic denial. If Mr. Denby was not as intimate with some of the diplomatic officers in Peking as he could desired (of which fact I was not aware) has no right to impute his failure to me; his charge is without any foundation in fact.

As to the social shortcomings of which I am accused with regard to American visiting Peking, I need only say that at least half of those who came there while I was residing at Peking, and of whom

the

the greater part were only known to me through the letters of introduction from the Department of State which they had with them, were received and entertained at my house during the whole of their stay at Peking.

As to the absence of any social relations between the Minister's family and mine, I had ~~on~~ thought, on the contrary, that they were of a most intimate nature, in so much that for two years not a dinner or entertainment was given at the Minister's house without my servants, plate, chinaware, furniture, etc., being borrowed for the occasion.

The right of occupancy of certain rooms in the legation which had been built at my expense and under directions of Minister Young, and which Mr Denby claimed for himself, was and remains the sole motive which has

brought

brought him to make the charges he has against me. He told me that he would have the rooms even if it became necessary for him to have me removed to attain that end, and that he himself would resign rather than relinquish his right to them. This threat of resigning Mr. Denby repeats in the letter you so kind read me. The position which I took in this matter is known to you through Mr. Denby's despatches, and has not received your censure.

I regret that I have been obliged to dilate at such length over such trivial questions but they did not originate with me, and, while I am sorry to be obliged to give up a work in which I took deep interest, I fully perceive that it would be impossible for me, under the circumstances, to discharge the duties to which I had been called under a chief prejudiced against

against me and for whom, on my side, I could no longer feel any respect.

I have the honor to be,

Sir,

Very respectfully,

Your obedient servant,

W. W. Rockhill

DEPARTMENT OF STATE.
AUG 20 1888
RECEIVED.

No 657.

2D ASSISTANT SECRETARY.
Ack. by Number and File. aaa
AUG 21 1888

Legation of the United States
Peking, July 6th, 1888.

Mr. Charles Denby
to Mr.
Secretary of State

Subject
Acknowledging dispatches.

No 657.

Legation of the United States
Peking, July 6th, 1888.

Honorable Thomas F. Bayard.
Secretary of State
Washington

Sir:—

I have the honor to acknowledge the receipt of the following despatches from the Department, viz:—

No 312 of June 7th 1888
313 " 7th "
314 " 8th "
315 " 9th "
316 " 9th "
317 " 9th "
318 " 10th "
319 " 16th "
320 " 16th "
321 " 17th "

Tritte

with their several endowments.

I have the honor to be

Sir,

Your obedient servant

Charles Denby

DEPARTMENT OF STATE.
AUG 20 1888
RECEIVED.

No 658

2D ASSISTANT SECRETARY.
Ack'd and approve the expenditure. - File.
AUG 21 1888

Legation of the United States.
Aug 2d 1888 received
Peking, July 6th, 1888.

W. Charles Denby
to the
Secretary of State

Subject
Lines and "Chronicle & Directory for China and Japan" sent to Department.

No 658.

Legation of the United States
Peking, July 6th, 1888.

Honorable Thomas F. Bayard.
Secretary of State
Washington.

Sir:—

In further acknowledgement of your despatch No 313. of May 7th, ultimo, I have the honor to state, that the copy of the "Chronicle and Directory for China and Japan", ordered by me to be sent to the Department, cost $5. mexican currency, which amount will be charged to the Government in my contingent account.

I have the honor to be,
Sir
Your obedient servant.
Charles Denby

DEPARTMENT OF STATE
AUG 20 1888
RECEIVED.

No 659.

Legation of the United States.

Peking July 9th 1888.

2D ASSISTANT SECRETARY.
Acded Aug 27
AUG 25 1888

Mr. Denby to the

Secretary of State.

Cop. & R. 1888

Subject

States of Chinese women married to aliens.

Synopsis

Agreement by Mr. von Brandt with Tsung-li Yamên that Chinese women married to Germans shall be subject to jurisdiction of husband's nationality.

One enclosure.

No 659.

Legation of the United States.

Peking July 9th 1888.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

PRINTED
FOREIGN RELATIONS
1888

Sir:

As matter of information on an interesting question, I have the honor to enclose, herewith, a translation of the agreement lately made by the German Minister with the Tsungli Yamen, as to the status of Chinese women married to German subjects.

1/659

He

The understanding reached is that such women shall be subject to the laws of the husband's nationality.

Under Sec 1994 R.S. 2nd Ed. * for p. 350, and Sec 147 Con. Reg. * for 1888, this result does not follow a marriage where the contracting alien is an American, because, under recent statutes, no Chinese subject can be naturalized.

~~Americans.~~

Americans have, occasionally, married Chinese women. Intermarriage with persons of other nationalities is common. I personally know some very respectable families where the

* (Copyist will give text of these as foot notes.)

the mother is Chinese and the father an alien.

It is worthy of serious consideration whether, in the interest of a humane sentiment, the words "and who might herself be lawfully naturalized" should not be stricken from section 1994 R.S.

omit

The perplexities attending the condition of a Chinese woman married to an American are manifold and embarrassing. She alone of the family would be subject to Chinese law and beyond the pale of American protection. Her husband's death would leave her practically without

any

any nationality.

Doubtless, in practice such an abhorrent condition would be softened as much as possible by the Consuls and the Legation. But the absolute law still remains and may constitute a bar to legal assistance to defenceless and dependent women, who, by a lifetime of discharge of their duties, may have eminently merited all possible consideration.

It is true, I think, as stated in the enclosure, that the general international law recognizes that a woman, who marries an alien, becomes subject to the jurisdiction

of

of her husband's nationality. It seems to me that this is a better rule than the statutory exception quoted. While I cordially agree that public policy in the United States demands that Chinese subjects shall not be naturalized, I strongly incline to the opinion that a lawful marriage between a Chinese woman and an American citizen should ensure to the wife the same protection which is granted to women of other nationalities upon their marriage with our citizens.

Without further argument

I

I submit the question to your better judgment.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosure,

1. Agreement as above.

is No. 29. Translation from Chinese.

Agreement between Mr. von Brandt, German Minister, and the Tsung-li Yamen, in regard to marriages between Germans and Chinese.

— " —

Under the custom in all (foreign) countries, when a woman marries an alien she becomes subject to the jurisdiction of her husband's nationality. This custom should also follow in the case of Chinese women.

German Consuls have frequently requested me to instruct them as to the jurisdiction a Chinese woman is under who marries a German subject and acting under their requests, it is right and proper that a mutual understanding should be arrived at upon the question.

According to my views a Chinese woman who marries

a

a German subject should be subject to the jurisdiction of the laws of her husband's nationality. But the fact of her marriage to a subject of Germany should be communicated by the German Consul (of the place) to the Chinese local authorities. This would meet the views of both countries.

As to existing marriages between Chinese women and Germans, after the present agreement, between Mr. von Brandt and the Tsung-li Yamen is settled and takes effect, German Consular officers shall then report them to the proper local authorities. If among them there are cases where the parties have failed to request the German Consuls to report their marriage to the local authorities and an action at law

is

is brought against the wife it shall be tried and settled by the Chinese authorities, or, if it appears that a Chinese woman has been guilty of crime before her marriage, and for that reason marries a German subject for the purpose of placing herself under the protection of a distant country (Germany), on such cases being brought to light, the crime committed shall be punished by the Chinese authorities.

German women entering into the bonds of matrimony with Chinese subjects shall be subject to the laws of her husband's nationality.

DEPARTMENT OF STATE
AUG 20 1888
RECEIVED.

No 660.

2D ASSISTANT SECRETARY.
MR. FORD, for examination
Ack as Mr. Ford may direct.
AUG 21 1888 aal

Legation of the United States
Peking, July 9th, 1888.

Mr. Charles Denby

ack. & dip. 10. aug 22 to the Secretary of State

ackd. & Chief Engineer requested further reports in regard to map of mineral district Tacoma Aug 24, 1888 Clerk

Subject
Mines at Jehol

Synopsis
Mr. Denby gives an account of the work at the above mines under the management of American Engineers.

No 660.

Legation of the United States
Peking, July 9th, 1888.

Honorable Thomas F. Bayard
Secretary of State
Washington.

PRINTED
FOREIGN RELATIONS
1888

Sir:—

In my despatch No 603, of the 27th of March, ultimo, I transmitted for your information a translation of a memorial submitted by the Viceroy Li Hung Chang to the Throne on the subject of mining. In the memorial the Viceroy referred to the employment of two American Engineers — Mr. Church who has been engaged at the mines at Jehol and Mr. Ellsworth, employed at certain gold mines at Ling tu chou

in

in the Province of Shantung.
From a report which I have received from a gentleman who has recently returned from the mines under the charge of Mr. Church, I learn that the enterprise augurs well of success.

There are two mines of Argentiferous lead, or Galena, now being worked with foreign machinery. At each a shaft about 300 feet deep has been opened from the surface to waterlevel and the water which has stood in the bottom of both mines for several years is now being pumped out. It appears that natives had been working the mines for about 40 years, and had extracted pretty

much

much all the ore above waterlevel, but there they stopped as they could not handle the water.

The foreign staff consists of Professor J. A. Church (alluded to above) as superintendent, H. F. Dawes, assayer, an engineer and two miners from the Comstock mines in Nevada - all Americans. Two hundred native miners are employed on wages. The mines are protected by a guard of fifty soldiers from the Garrison at Ku Pei Kou, as the country is infested with robbers who defy the weak and thinly scattered officials, and who sometimes go about plundering in large gangs of twos and hundreds of men. No ore has been taken out by

foreign

foreign methods up to the present, work has been concentrated on sinking the shafts to get at the water with pumps. The shafts have passed through several veins of fine ore and when the water is out probably richer ores will be found at the bottom, as indications are favorable to this. But nothing positive can be said at present. There is about Tels 30.000, of pumping and hoisting machinery made in San Francisco, now at these mines, leaving the concentrating mills and smelting furnaces still to come, if plenty of good ore is found later on, which in all probability will be the case.

The Viceroy has furnished the

funds

funds for machinery and for working expenses, and the mines may be considered as being worked for him. The ore is rich in lead, which the Viceroy is anxious to obtain, as there are no lead mines yet worked in China and large quantities of lead are used for military purposes.

All difficulties have been overcome so far, and the first stage of the work is nearly completed, namely, pumping the water out of the mines and seeing what the prospects are under water. I understand that two months more will finish this and then if successful, work will begin in extracting and smelting ore. I also learn that it is

the

the intention of the Company is ultimately form and work these mines under a joint stock company.

I have the honor to be,

Sir,

Your obedient servant

Charles Denby

No 661.

DEPARTMENT OF STATE.
AUG 20 1888
RECEIVED.

Legation of the United States.
Peking, July 10th 1888.

Mr. Denby to the
Secretary of State.

Subject.
Account of expenses tour of inspection of Consulates

One enclosure.

No 661.

Legation of the United States.

Peking, July 10th 1888.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D. C.

Sir:

I have the honor to inform you that I have this day drawn on you for dollars six hundred sixty one 20/100 ($661 20) U. S. Gold, for the expenses of my tour of inspection to the Consulates in China, made by your direction.

1/661

I was accompanied by the Second Secretary of Legation as

as interpreter, and by his servant and mine.

I was absent from Peking from the 28th day of April until the 6th day of July. I visited Tientsin, Shanghai, Amoy, Formosa, Hongkong, Macao, Canton and Foochow. I travelled about five thousand miles.

A detailed report of the incidents of the tour is in preparation and will be shortly forwarded.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosure

1. Account of expenses of tour with vouchers.

DEPARTMENT OF STATE
AUG 20 1888
RECEIVED.

Sep.

Legation of the United States.

Peking July 11th 1888.

Mr. Denby Fr. to the

Secretary of State.

Subject

Salary Account for last quarter.

Two enclosures.

Sep.

Legation of the United States.

Peking, July 11th 1888.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor to enclose

1 my salary account, herewith,

for the quarter ending June 30th

1888, against which I have

drawn my draft on Messrs.

Brown Shipley & Co, London;

2 also an account, with voucher,

for loss by exchange thereon.

I have the honor to be, Sir,

Your obedient servant,

Chas. Denby Jr.

Second Secretary.

Enclosures

Accounts

DEPARTMENT OF STATE
AUG 20 1888
RECEIVED.

No 662. One Enclosure.

Legation of the United States.
Peking, July 11th, 1888.

Mr. Charles Denby
to the
Secretary of State

Subject
Duplicate Salary Account.
2d Quarter 1888.

AUG 20 1918

No 662 One Enclosure

Legation of the United States
Peking, July 11th, 1888

Honorable Thomas F. Bayard
Secretary of State
Washington

Sir:—

I have the honor to
662 enclose a duplicate statement
of my account for salary
for the quarter ending June
30th 1888.

I have the honor to be,
Sir,
Your obedient Servant
Charles Denby

Enclosure 1.

Duplicate statement as above.

CCA

DEPARTMENT OF STATE.
AUG 20 1888
RECEIVED.

No 663. One Enclosure

Legation of the United States.
Peking, July 11th, 1888.

Mr. Charles Denby
to the
Secretary of State

Subject
Duplicate Rent Account
for 2d Quarter 1888.

No 663 One Enclosure

Legation of the United States.

Peking July 11th 1888

Honorable Thomas F. Bayard.

Secretary of State

Washington

Sir:—

I have the honor to enclose

663 a duplicate statement of the Fees

Account of this Legation for

the quarter ending June 30th

1888.

I have the honor to be,

Sir,

Your Obedient Servant

Charles Denby

Enclosure 1.

Duplicate statement as above.

DEPARTMENT OF STATE
AUG 20 1888
RECEIVED.

No 664. Inc. Enclosure.

Legation of the United States.
Peking, July 11th, 1888.

Mr. Brooks Adams
to the
Secretary of State

Subject
Duplicate Account for
Exc. by Exchange for
2d quarter 1888.

No 664. One enclosure.

Legation of the United States
Peking, July 11th, 1888.

Honorable Thomas F. Bayard.
Secretary of State
Washington

Sir: —

I have the honor to enclose
1/664. a duplicate statement of my
account for loss by exchange
for the quarter ending the 30th
of June 1888.

I have the honor to be,
Sir,
Your obedient servant
Charles Denby

Enclosure 1.
Duplicate statement as above.

DEPARTMENT OF STATE.
AUG 20 1888
RECEIVED.

No 665. One enclosure.

Legation of the United States.
Peking, July 11th, 1888.

Mr. Charles Denby
to the
Secretary of State

Subject.
Duplicate Returns of Passports
2d Quarter 1888.

N.B.

No 665. One Enclosure

Legation of the United States
Peking, July 11th, 1888.

Honorable Thomas F. Bayard
Secretary of State
Washington.

Sir:—

I have the honor to enclose
1665. a duplicate Return of the Passports
issued by this Legation for the
quarter ending the 30th June
1888.

I have the honor to be,
Sir,
Your obedient servant
Charles Denby

Enclosure 1.
Duplicate Return as above.

NB

Return of Passports for

No	Name	Date	Age	Height
534	Gilbert Reid	April 14	30	6.1
+535	D. H. Blapp	May 8	39	5.8
		2 Passports	$6.	n.l. gold

+ Fee of $1.00 charged for this passport in accordance with Department Circular dated March 26th, 1888.

Legation of the United States
Peking, June 30th, 1888.

the quarter ending June 30th 1888.

Eyes	Nose	Hair	Face	Complexion
Black	Prominent	Black	Thin	Dark
Blue	ordinary and straight	Brown	Oval	Florid

Geo. C.

Charles Denby

United States Minister

DEPARTMENT OF STATE
AUG 20 1888
RECEIVED.

No. 666.

Legation of the United States.

Peking, July 11th 1888.

Mr. Denby to the

Secretary of State.

S.
W B B Aug 21

Subject.

Customs Returns of Trade 1887.

No. 666.

Legation of the United States.

Peking July 11th 1888.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor to forward by this mail, under seperate cover, two copies of the Customs Returns of Trade for the year 1887.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

6

DEPARTMENT OF STATE
AUG 20 1888
RECEIVED.

Separate. One enclosure.

Legation of the United States
Peking, July 12th, 1888.

Mr. F. D. Sheehan
to the
Secretary of State

Subject.
Duplicate account for
Loss by Exchange for
2d Quarter 1888.

Separate. One enclosure.

Legation of the United States.

Peking, July 12th, 1888.

Honorable Thomas F. Bayard
Secretary of State
Washington.

Sir:—

I have the honor to hand you enclosed a duplicate statement of my account for loss by Exchange for quarter ending June 30th, 1888.

I have the honor to be,
Sir,
Your obedient servant
F. D. Sheehan

Enclosure 1.
Duplicate statement as above.

DEPARTMENT OF STATE
AUG 20 1888
RECEIVED.

Separate. One enclosure.

Legation of the United States
Peking, July 12th 1888.

W. F. S. Sherman
to the
Secretary of State

Subject
Duplicate Salary account
for 2d quarter 1888.

Separate. One enclosure.

Legation of the United States.

Peking, July 12th, 1888

Honorable Thomas F. Bayard.

Secretary of State

Washington.

Sir:—

I have the honor to enclose a duplicate statement of my salary account for the quarter ending the 30th June 1888.

I have the honor to be,

Sir,

Your obedient servant

F. D. Chester

Interpreter of Legation

Enclosure 1.

Duplicate statement as above.

E.C.S.

MR. FORD.

DEPARTMENT OF STATE
AUG 29 1888
RECEIVED.

No 667.

Legation of the United States.

Peking, July 14th 1888.

2D ASSISTANT SECRETARY.
Bureau of Statistics for examination.
Mr. Ford
AUG 30 1888

Mr. Denby to the
Secretary of State

Subject
Foreign trade of China for
year 1887

Cop 4 to 1888

Do.

No 667.

Legation of the United States.
Peking July 14th 1888.

PRINTED
FOREIGN RELATIONS
1888

To the Honorable
Thomas F. Bayard
Secretary of State
Washington, D.C.

Sir:

I have the honor, to make the following report on the foreign trade of China for the year 1887.

The Value of the Foreign Trade.

The total value of the foreign trade was Hk'n taels 188,123,877 as against 164,685,891 for 1886. These figures do not include the value

of

of goods carried coastwise nor goods carried in Chinese junks which are not under the control of the Maritime Customs.

Customs Revenue.

The Customs revenue for 1887 was Hk'ip taels 20,541,399, being an increase of 5,396,711 Hs. Of this increase opium likin accounts for 4.645.842 Hs.

Exports.

The total value of the exports for 1887 was 85.860.208 Hs as against 77.206,568 Hs in 1886 — an increase of 8.653.640 Hs.

In spite of the universal wail that went up over the

the depreciation of tea, the total quantity exported was 2.096.097 piculs in 1887, against 2.217.295 piculs in 1886. In quantity 5%, 120.000 piculs, less left China in '87 than in '86. But the assessed value of the export in 1886 was taels 33,504,820 and in 1887, Taels 29.379.838. "It is, therefore," says the Statistical Secretary of the Customs "to the depreciation "in value, with it's likely "effect in bringing about a "diminished production in "years to come, that we must "attribute the apprehension "entertained for the prosperity

of

of this vast industry.

The total quantity of white raw silk exported was 59.589 piculs. In this a quantity, 2780 piculs, is included which was exported in junks through the Kowloon and Lappa Customs. Deducting this there remain 56.809 piculs, valued at 17,461,367 taels, a quantity almost identical with the export of 1886 but the value is 5% higher. The same remark applies to other classes of unmanufactured silks.

Of brown sugar there was exported 458.268.85 piculs in 1886, against 634,179.12 piculs in 1887, an increase of

175,910.27

175,910.27 piculs.

Of white sugar there was exported in 1886, 128,828.14 piculs against 113,475,42 in 1887. Of sugar candy there was exported 25,392,97 piculs in 1886 against 19,288.96 piculs in 1887.

Sugar has, therefore, in the main recovered from the decline of last year.

Next to tea and silk comes straw braid as an article of export. The growth of this trade has been rapid.

~~The following table exhibits this increase.~~ The exports were, as follows:

1883 58,627 piculs

1884

1884 178.168 piculs

1883 76.494 "

1886 82.413 "

1887 150.952 "

The value in 1887 was taels 3.738.310.

The principal original places of export are Tientsin and Chefoo, the largest exportation being from Tientsin.

Great complaints have been made by foreign merchants of the bad condition in which this article has been brought to market, but the trade has nevertheless steadily increased.

Imports.

The total value of the imports of foreign goods

was

was taels 102.263.669 against 87.479.323 in 1886, an increase of 14.784.346 taels.

Last year imports show an increase of 6.562.25 piculs in opium; an increase of 7.933.309 pieces, dozens and piculs of cotton goods. They show, also, increase in miscellaneous piece goods, in metals and in sundries.

At the 19 treaty ports the imports of English and American drills fell off from 416.699 pieces and 620.803 pieces, respectively, in 1886, to 288 511 pieces and 464.731 pieces, respectively, in 1887. Cotton lastings rose. Cotton

yarn

yarn increased from 382.984 piculs in 1886 to 523.144 piculs in 1887.

The import of kerosene was in 1886, 23,038,101 gallons, in 1887, 42,016,135 gallons, an enormous decrease.

The statistical writer says: "As qualifying the vast "discrepancy in the figures "of the two years, I am told "that whereas the stock in "Shanghai at the end of 1887 "was only 5½ millions gallons, "that of 1886 was 10½ millions "gallons"

We find that the value of the imports from the United States in 1886 was taels

4,647,333 and in 1887 taels 3,398,390 – a decrease of over a million of taels. It is probably accounted for by the decrease in petroleum. The exports to the United States were in 1886 11,928,404 and in 1887 11,545,406. The total trade with the United States was 14,677,487 taels in 1886 and 12,314,310 in 1887.

Trade of Leading Foreign Countries

The imports and exports of the leading foreign countries were as follows:

Hongkong	Kikh taels	89,154,228
Great Britain	" "	42,149,286
Europe (Russia excepted)		14,132,954
United States		12,314,310

Japan

Japan	Hikuin taels	7.678.442
India	" " "	6.334.945
Russia & Siberia	"	5.704.281

Shipping Statistics:

Of vessels entered and cleared in 1887, the representation of the most important countries was as follows:

Great Britain	15.917
Chinese	6.402
Chinese junks	1.996
German	2729
Japanese	409
American	255
Spanish	132
French	121

The shipping statistics show an increase of 137 vessels aggregating 443.901 tons

tons over the year 1886.

Exchange

The average rate of exchange on London during 1887 was the lowest average of any year on record.

The average value of the Kaikwan tael during 1887 was 4s. 10½ d. against 5s. 0½ d. in 1886. To understand exactly this question of exchange let it be remembered simply that a person lays down at the bank at Shanghai a tael and inquires how much that will bring him in London. When the answer is 4s 10½ d. instead of 5s 0½ d. as in 1882, it will be seen

how

how trade is affected and how grievously those residents of China suffer who are compelled to send money home to their families. The tael in which they receive their salaries or wages is becoming day by day of less value and their incomes are proportionally deminished. If, however, all the money earned is spent in China the depreciation of the tael only remotely affects them. Prices of labor and of articles produced in the country are ordinarily not affected by the depreciation of silver. It is only the foreign value that

is

is depreciated.

It must be said also that the high price of exchange, or the low price of silver as compared with gold, tends to stimulate foreign trade. As there is a great loss on silver converted into gold on London the foreign merchant increases his exportations that he may get products in London which may be bargained for gold. The import trade is likewise stimulated because the merchant is induced to bring goods to China which may be exchanged for native products.

The low rate of exchange is, therefore, not an unmixed

ure

cil: The Customs Reports for 1887 show a considerable increase of business in spite of dearness, or, as they would say here, lowness of exchange, and in spite of the lugubrious complaints of all classes of merchants, particularly of dealers in tea.

The tea market opened this year at higher rates than ever before, which fact is a curious commentary on the alleged ruin which attended the trade last year and which was prophesied this year.

<u>Opium</u>.

The Statistical Secretary

thoroughly

thoroughly explains the new opium regulations. Feb 1st 1887 the system of collecting duty and likin on opium - which had formerly appertained to the local officials - was transfered to the Imperial Maritime Customs.

Two new offices of the Customs were opened on the 2nd Apr at Kow-loon (opposite to Hongkong) and Lappa (near Macao) to have supervision over the revenue accruing to China out of the commerce carried on in junks between Hongkong and Macao, respectively, and the mainland of China.

Hongkong

Hongkong on the 1st of June passed a new ordinance placing the opium trade within the colony under special regulations. These regulations prohibited the unauthorized possession of raw opium in smaller quantities than whole chests and required retailers to record and account for raw opium taken over to be repacked into small-sized packages. As there are no means of getting raw opium into possession for any improper use the business of opium smuggling practically ceased. A like law was made for Macao. The tariff being the

same

same in the 19 treaty ports and in the two new ports of Kowloon and Lappa, and there being no difference in the tariff in favor of opium carried in junks, as heretofore, opium is now generally carried by steamer.

The Secretary does not think that opium consumption has increased in China but, for the first time there are accurate statistics. Heretofore large quantities entered China lawfully and unlawfully of which no record was kept.

A preference for native opium is said to have been

developed

developed.

The Haikwan tael, in which the Customs Revenue and all values are stated, is equivalent in English money to 4 s. 10½ d.

American gold to 1.20 dollars,

French francs 6.18

German marks 4.95

Mexican dollars 1.54.

The picul is equivalent to 100 catties, or 133⅓ pounds avoirdupois, or 60.453 kilogrammes.

The catty is equivalent to 16 taels, or 1⅓ pounds avoirdupois or 0.60453 kilogrammes.

The tael is equivalent to 1⅓ ounces avoirdupois or 0.037783 kilogrammes.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

ack by mail

DEPARTMENT OF STATE
AUG 29 1888
RECEIVED.

No 668.

Legation of the United States.

Peking July 17th 1888.

Mr. Denby to the
Secretary of State.

Subject.

Ack'n despatches received.

No. 668.

Legation of the United States.

Peking July 17th 1888.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D. C.

Sir:

I have the honor to acknowledge the receipt of your despatches as follows:

Circular May 26th

No 322 of June 2nd

" 323 " " 4th

" 324 " " 6th

" 325 " " 6th

I have the honor to be, Sir,

Your obedient servant,

Charles Denby

DEPARTMENT OF STATE
AUG 29 1888
RECEIVED.

Sep.

Legation of the United States.

Peking July 18th 1888.

Mr. Denby, Fr. to the

Secretary of State.

Subject.

Duplicate Salary Account.

[illegible]

[illegible]

[illegible]

[illegible]

To the Honorable
Edward P. Sargent
Secretary of State
Lincoln, Nebraska.

Sir:

I have the honor to transmit herewith certificate showing the organization of a corporation under the laws of Nebraska to be known as the [illegible] Company.

Please see [illegible]

Yours

[illegible]
Secretary
[illegible]

[illegible]

[illegible]

Two enclosures.

Sep.

Legation of the United States
Peking, July 18th 1888.

To the Honorable
Thomas F. Bayard
Secretary of State
Washington, D.C.

Sir:

I have the honor to enclose, herewith, duplicate salary and exchange accounts of which originals were forwarded on the 11th instant.

2

Have the honor to be,
Sir,
Your obedient servant,
Chas. Denby Jr.
Second Secretary.

Enclosures
Accounts as above.

DEPARTMENT OF STATE
AUG 29 1888
RECEIVED.

File

No. 669.

Legation of the United States.
Peking July 19th 1888.

Mr. Denby to the
Secretary of State.

Subject.
Duplicate expense account tour of inspection of Consulate

One enclosure.

No 669.

Legation of the United States.
Peking July 19th 1888.

To the Honorable
Thomas F. Bayard
Secretary of State
Washington, D.C.

Sir:

I have the honor to enclose, herewith, a duplicate account of my expenses on the tour of inspection of Consulates.

1/669

The originae copy of this account was forwarded in No 661 of July 10th 1888.

I have the honor to be, Sir,
Your obedient servant,
Charles Denby

Enclosure
1. Account as above.

DEPARTMENT OF STATE
SEP 11 1888
RECEIVED

No 670

Legation of the United States.

Peking July 20th 1888.

Mr. Denby to the Secretary of State.

See Consul at Amoy's No 179 of Sept. 18. 1888, copy of which has been sent to Mr Denby with regard to his report on p. 38 Nov. 5. 1888. Editor

Extract returning thanks to naval auditor for his to Tsey Sept. 17 Editor

Subject.

Detailed Report of Tour of Inspection of Consulates.

One enclosure.

1

No 670

Legation of the United States.

Peking, July 20th 1888

PRINTED
FOREIGN RELATIONS
1888

To the Honorable

Thomas F. Bayard,

Secretary of State

Washington, D.C.

Sir:

I have the honor to report, as briefly as possible, the important incidents of the tour of inspection, lately made by me to the diverse ports, in China.

I returned to Peking July 6th, having been absent since April 28th.

I embarked in the "Funiata"

Lieut

Lieut Commander W. T. Burwell Commanding, May 11th at Shanghai. The first port touched at was Amoy.

Mr. Crowell is an energetic and efficient Consul. His office was in excellent condition.

I invited Mr. Crowell to accompany me to Formosa.

Kelung, Formosa.

We dropped anchor at Kelung May 19th The harbor of Kelung is good. The ship declined the services of a pilot and sailed in by charts and anchored at about the middle of the harbor. As soon as

we

we cast anchor a salute of twenty one guns was fired by the fort. The Chinese flag was run up at the peak, and twenty one guns fired in return.

The Chihsien, or Local Magistrate soon called; followed by the Prefect, and the General of the troops. The shore was decorated with great numbers of Chinese banners and military companies were drawn up behind them.

The visiting officials informed me that the Governor, Lui Ming Chuan, had sent chairs and bearers for the party

party and had arranged for boats and other chairs at Si-Kow, to convey us to the capital city, Taipeifu.

The next morning, May 20th, we left the ship. I was accompanied by Consul Crowell, Capt. Burwell, Lieutenants Wood, Usher, Chapin, Herbert, Dr Ogden and the Second Secretary. We were received on shore with a salute of three guns — the usual Chinese salute — by a company of soldiers and by the prefect and Local Magistrate.

There are about 10,000 people in the various villages around the bay of Keelung.

The

The houses are small, one story, built of brick. The streets are about eight feet wide. There were some respectable looking stores with foreign goods displayed, but the general appearance of the people and locality was one of great poverty. The people are much smaller than the northern Chinese, but seemed to be larger than the people of Amoy. Just outside the village of Keelung are the quarters of the General. In passing I returned his call. He received me with the usual salute, a display of soldiers and gave me tea

and

and wine.

The Coal Mines at Kelung.

The chief article of export is coal. The mines now worked, and considered available to supply a demand, lie in the hills to the east of Kelung. The mines are worked by the Governor. They supply but a limited quantity of coal per diem. During the attack made by the French in 1884, the Chinese authorities flooded the shaft and, at present, it is not entirely cleared and ready for work. When in working order the Government mines, as at present developed, are reckoned capable of supplying

about

about 200 tons of coal per day, but the available amount of coal can, perhaps, be considerably increased by using the out-put from coal seams worked by private persons. A number of such veins exist.

In quality the Kelung coal is said to be somewhat similar to Takasima, or Karetse, coal (Japan coal), though inferior to either of them. Analysis of this coal has been had from time to time showing an improvement in quality as the vein is developed. At present there is but a limited demand for Kelung

Coal

coal. The Douglas Lapraik & Co's steamers use a mixture of one half Keelung coal and one half better quality from other sources of supply. These steamers run from Tamsui to Hongkong and points on the coast.

The "Funiata" took 30 tons of this coal at Keelung while there. It was of the best quality available; several grades having been shown to the officer who selected the coal. This coal was found to burn freely and gave about 9% ash, being about equal to Australian coal of good quality. Keelung coal was also found

at

at the Pagoda Anchorage, Foochow, where 70 tons were taken by the "Funiata". This proved to be of very poor quality.

In general terms this coal may be said to be fair steaming coal, when of the best quality, and it is to be presumed that the quality will improve as lower levels of the coal veins are reached. The coal veins vary from eighteen inches to three feet in thickness and have a dip of 18°-20° and are worked in the usual manner. Mr. Matheson, an Englishman, has charge of the mines.

Rail

Railroads in Formosa.

Kelung is the northern terminus of the projected system of railways. The Kelung mountain is now being tunneled. A railroad is at present under construction designed to eventually communicate with the chief towns of Southern Formosa. At present it extends from Kelung on the north as far as Changhwa, reckoned about 100 miles.

The surveys were made under the direction of English engineers brought out for the purpose. The labor is furnished by the Governor from the troops

at

at his disposal and the material is procured by contract with foreigners, after competition in price and quality. The part of the line between Taipeifu and Keelung — 20 miles in length — is to be equipped by German firms. The southern end of the road from Taipeifu to Changhwa — 80 miles in length — is to be equipped by Jardine Matheson and Co. It is rumored that the course of the road conforms rather to arbitrarily selected localities than to the present importance of some of the towns. There is projected but one station between Keelung and Taipeifu, that

at

at Si-Kow. The guage of the road is to be 36 inches. The tunnel at Keling, which extends over 1000 feet through the mountain, is not completed. As soon as it is finished the laying of the rails will be commenced.

The grading and ballasting of the road as far as Changtwa is completed. There remain yet some bridges to be erected. Some of the rails have been delivered at Keling but the greater part, together with the rolling stock, have not arrived. At present the authorities engaged in the work expect to have the road

in

in working condition in a year, but many of the foreigners resident in Formosa declare this to be impossible and set the time as, at least, two years more.

As this railroad is designed to enhance the importance of Keelung, in addition to other directions of usefulness, it will probably somewhat deminish the prosperity of Tamsui. The residents of Tamsui, however, assert that other trade, chiefly tea, must pursue it's present channels, as handling by railroad would be too rough for the chests.

It is to be seriously regretted

that

that Messrs Russell & Co failed to secure the contract for building this road. The Americans did not, or could not, successfully compete with the German and English prices, though they presented the excellence of American products in the most attractive light. It was an error not to put the offers for the job at a rate low enough to secure it. If, even, there had been little or no profit, the prestige resulting from success would have very much increased American influence in Formosa. All this is well understood now but it is

too

too late.

It is possible that a thorough development of the coal-mines and the use of the railway may make Kelung a successful rival of Amoy and may very much depreciate the importance of that city. As matters now stand nearly the entire tea crop of Formosa goes to the United States. This tea is carried to Amoy; a distance of 200 miles across the Formosa channel. The transit is often dangerous by reason of the typhoons. The tea is then loaded on steamers destined to New York. If ships could secure coal in Kelung

and

and load there for New York, a transit of 400 miles would be saved. The Governor entertains these views and looks to Kelung as a rival to Amoy in the future.

The port of Kelung has attracted the attention of the British Admiral as a coaling station. He visited the port and examined the coal and it is said that his opinion was favorable.

From Kelung to Twatutia.

The trip from Kelung to Twatutia is novel and interesting. After crossing the Kelung mountain in chairs, or a-foot, a branch of the

Kelung

Yelang river was reached. Here boats awaited our party and in them we floated down the rapids between high hills and through picturesque gorges. There were long reaches of nearly still water and the progress was slow. Five hours after embarking we reached Si-Kow. There we were carried ashore on the backs of men the boats being unable to touch the bank. A great crowd of people had assembled to look at the foreigners. We were escorted to a large room and tea was handed us. We then took chairs again and

proceeded

proceeded along the bed of the railroad to Twatutia.

Taipeifu

The new seat of government is Taipeifu. There lives Liu Ming Chuan, the Governor, under whose progressive direction the vast improvement in Formosa has been made. It is a new city spanely built up. It is surrounded by a stone wall about 25 feet high measuring one mile around the city. The ground was originally a paddy field. Owners of lots are now compelled to improve them in two months or sell them. The streets are laid out in foreign style

about

about 40 feet in width. The improvements are uniformly of brick. The city is lighted with the electric light. There are 20 large and 100 small lights. The Governor's Yamen is lighted with electricity.

There are cable lines of telegraph running to Sharp's Peak, near Foochow, which is the nearest point on the mainland, being about 100 miles nearer than Amoy. The cable is landed at Tamsui which is ten or eleven miles from Tai-pei-fu. The telegraph line was completed to Keelung the 29th April of this year.

Near the city is an arsenal

at

at which arms and ammunition are made. There is a saw-mill, with modern imported machinery, which is now engaged in doing work for the railroad. Patent saw-mills have been imported for sawing great trees with which the mountainous portions of the island abound.

A school for teaching English has been started which is attended by the Governor's sons.

The jinrickshaw has been imported from Japan and numbers of them convey passengers from Taipeifu to Twatutia.

The Governor has ordered, through Messrs Russell & Co

Two

two fast and commodious passenger steamers. They are to carry freight and passengers to Shanghai, Tientsin and thence back to Tamsui. There will be considerable competition in shipping with the established lines which will reduce freights. Up to this time the English line of steamers has done the most of the carrying. Something has been done by German Steamers.

All these improvements are mainly due to the pertinacity and progressive spirit of the Governor. The Imperial Government has stood off and let Liu Ming Chuan have his way.

Possibly

Possibly the Emperor desires in this distant island to test the modern schemes before embarking in them in China proper. Or, more probably, the Imperial Government is awake to the value of Formosa as an outport of the Empire, and is willing that the most energetic measures may be taken to secure protection to it.

Twatutia

Twatutia is the residence of the foreigners. It is a third of a mile from Taipeifu. Here are the great hongs owned by representatives of several nations engaged

almost

almost exclusively in the tea trade. Here the Russells have machinery for firing tea, the only machinery so used in China. The usual process is to dry the tea in baskets over pans of charcoal.

All the processes of curing and packing tea are done here with wonderful expertness. The wood for the boxes is imported from Amoy but they are made in Tuatutia. The process of making the lead boxes, which line the wooden boxes, is simple and effective. The lead, in bars, is melted in a crucible. When melted it is dipped out and poured

between

between two stones on which there is a coating of felt. The stones are pressed together by by hand and immediately opened and a thin leaf of lead is made. The leaf is cut into proper shapes and put inside the boxes. A man will make 1000 sheets a day. The boxes are painted by hand.

I saw the process of making scented tea. Great piles of the white jasmine flower are put on the tea while it is being fired and then removed.

Wuhutia numbers about a dozen foreigners with a Chinese population of some thousands.

The

The Russells have a fine building where my party was handsomely entertained by Mr. Frank Cass, the head of Russell & Co at Amoy. There are several fine buildings in process of erection. The existing improvements ordinarily are in Chinese fashion and are plain. Of course no English community is without a club. The one at Twatutia numbers thirteen members including the absent and the present. The Club extended the usual hospitalities to us.

Messrs Boyd & Co have introduced at Twatutia silk worms and the manufacture

of

of silk may become important but it is now in it's infancy.

Interviews with the Governor.

On my arrival the Governor sent cards. I notified him that I would call the next day, if agreeable to him. He immediately answered that he would see me.

The Governor's Yamên is new like the rest of the city but on the general plan of such buildings. On either side of the main gate-way were non-descript pieces of statuary half dog and half dragon. On the main gate were the usual pictures of Chinese gods.

The Governor received me

at

at the inner gate as I got out of my chair. I was attended by the officers I have mentioned, who were in full uniform.

The Governor is fifty three years old, is hale and hearty. He is a soldier, (is not cultured or scholarly but) plain and blunt. I said to him that I thanked him for his various courtesies to me since my arrival in Formosa and that I would take pleasure in reporting to my own government, and to the Tsung-li Yamên, how handsomely and hospitably I had been received. omit

He said that my country and his had always been friendly and it afforded him great pleasure to see me, that I was the only foreign minister that had ever come to Formosa.

I said that the relations between Formosa and the United States were close, that we were her nearest neighbors, except Japan, that we took nearly all her tea, that having heard a great deal of the progress he was making in Formosa I desired to see the island.

He said he had done a great deal but not as much

as

as he wanted to do because he was hampered for funds.

I then said I was gratified to know that some of our citizens had contributed to the progress and had been of some service in developing the island. He said that Russell & Co had been of great service to him, and that Mr. Cass was a good man.

I said I was glad to know that the Consul at Amoy had maintained friendly relations with him. He said yes, that the public business had always been satisfactorily attended to by Mr. Crowell.

Previous

Previous to this time I had introduced Captain Burwell to the Governor and the Captain had presented the other officers to him.

I said that I supposed he had never before seen the American uniform and I hoped he would never see it except on a peaceful occasion. He said China and the United States had always been friendly and China would not permit any other relation than that of friendship to exist.

We were then escorted into a room in which a table was spread with the usual

fruits

fruits and confections. Tea was brought to the Governor who received the cup in both hands and placed it at the plate of each guest. The Governor first raised the tea to his lips and we did the same.

I was seated on the Governor's right and the others in the order of rank. Wine was poured into the glasses. I proposed the Governor's health which was drunk standing.

A desultory conversation followed. The Governor invited us to dinner at an hour to be fixed, according to Chinese fashion, by ourselves. Four

P.

P.M. the next day was agreed upon.

Before leaving I asked the Governor to give me an interview in which I might talk to him about business matters. He agreed to do so. He was throughout exceedingly cordial and frequently expressed his pleasure at seeing a Minister in Formosa. He offered to put at my disposal a house for the officers but this was declined.

On my return to my quarters the chief of the Foreign Office called. He has been in office during twenty-eight years in Formosa. He spoke in the

friendliest

friendliest manner of the United States, as in fact, all the officials do, and I believe honestly. I returned this gentleman's call next day and was handsomely received and entertained. All the Taotais and Local Magistrates also called on me.

The Governor returned my call in the afternoon. He was preceded by two officers and followed by a company of soldiers. He was placed on my right and I handed him a cup of tea with both hands. He told us about the aborigines — said they were to be found about 40 li (13 miles) from

Tuatutia

Yuratutia, that he had conquered and subdued them. His statement must be taken with some qualification. Parties of these savages are occasionally brought in and held awhile and clothed and turned loose, but the mass of them are as untamed as ever. They very much resemble our savages. They waylay and murder Chinamen whenever they can.

The general drift of our conversation was railroads. He made many inquiries about the system in the United States and I explained it to him. He especially desired to know whether

the

the government built the lines, and was much interested in my explanation of the system in the west of voting aid to railroads by taxation. He inquired, also, as to the European situation and the probability of war. He was not well posted on foreign subjects. But, from occasional newspapers furnished him by the Russells, his acquaintance with such topics was above the average of Chinese officials. I renewed my request for a business interview at which he and I and the Consul should alone be present. He seemed disinclined

to

to regard my visit in any light but one of courtesy and friendship. I explained to him that when I formed the purpose of visiting Formosa I did not know of the pendency of any claim in Formosa in which my countrymen were interested, but that, travelling in an officiae capacity, it was my duty, when any matter of business affecting my countrymen was brought to my attention, to properly consider it.

He conceded that this view was correct. I was with him two hours the next day discussing this matter. It

was

was briefly this; the Russells had, more than a year ago, recovered judgment at Taiwanfu against a defaulting comprador for $40,000. There had been great delay in collecting the money. (The Governor anticipated that if the local magistrate failed to collect and pay over the debt we would present a claim against the Imperial Government, based on the negligence of the local officials.) He was anxious to demonstrate that there had been no negligence. He and and the Consul argued the question for two hours on one occasion and afterwards

for

for three hours on another.

It is altogether likely that the local magistrate will fail in collecting the debt. Without now going into details, with which I am perfectly familiar, I suggest that it would be proper to grant me authority to present this claim should I conclude in the end that it ought to be presented. I make this suggestion now to save time hereafter.

unit

May 22nd I and my companions dined with the Governor. The dinner was partly Chinese and partly foreign. There were foreign

wines

wines in abundance and much follity. The Governor proposed the health of the President of the United States. I proposed the health of the Emperor and Empress of China. The Governor brought his son, aged eighteen, into the dining room and had him adopt my son as his elder brother according to Chinese fashion. He gave frequent accounts of his life. He is a soldier and not one of the literati. He was in the army at an early age and, at eighteen, commanded a company during the Taiping Rebellion. He was not in much favor

at

at Court and, after the Rebellion was put down, he was left during fourteen years in obscurity. During the French war he was called to command in Tomora. He bought arms and ammunition with his own money. He defeated the French at Damsui and saved the island.

He was exceedingly friendly to me personally and profuse in his professions of friendship to the United States. He expressed his intention to send me a large invoice of the finest tea but this was declined with the statement that my government did

not

not permit its officials to accept presents from foreign officials.

The Sulphur Springs in Formosa.

Leaving Twatutia at 11 A.M., on the 23rd of May, in a steam launch, kindly loaned by the Governor, (and having a small boat in tow for landing or crossing the shoals in case we grounded) we proceeded down the Tamsui River five miles to the mouth of the Keelung, and thence up the latter river about three miles.

Here we disembarked at a small landing on the right bank and struck out on

foot

foot in a north-easterly direction, along the embankments of the paddy fields, for the distant hills; far up the side of which we could see the rising vapor from the sulphur springs; the object of our visit.

About two miles across the dead level of the rice-fields we passed through several villages and the ascent began. By rocky and difficult paths we commenced to climb. As we advanced we found that cultivation followed — every available spot was made to do duty. The rocky hillsides were covered with the pineapple

plant

plant, more favored spots with the tea shrub, while the steepest declivities were terraced with narrow shelves from top to bottom and on these ledges were growing flourishing crops of the universal cereal, rice. The vivid green of the rice, just beginning to head, in contrast with the dark rocks and more sombre verdure of the mountains made an effect most beautiful and strange.

We had gone but a short distance from the foot of the hills when we were met by the strong sulphurous odor of the springs, brought down

by

by the breeze. In crossing a good-sized brook a little further on we found it almost boiling hot and were earnestly cautioned not to fall in while crossing, which intimation was hardly necessary.

About two miles of this upwards work and we reached a rocky amphitheater in the bottom of which were the springs.

Some scarcely came under the name of springs as they were simply jets of steam and sulphurous vapor escaping from crevices in the rocks with a roar like that

made.

made by the escape pipe of some gigantic boiler "blowing off" steam through it's safety valve.

Others were bubbling cauldrons of milky looking water, two or three feet in diameter, and one or two were nothing more nor less than boiling liquified mud.

A little ~~difference~~ distance from the level floor of the amphitheatre where the springs were, and perched among the volcanic boulders which covered its sides, were numerous little huts which were found to contain rude appliances for collecting the sulphur.

There

Here and there in the vicinity of the springs a few half naked China-men were mining the sulphur stone left in bygone ages.

When collected it is taken to one of the huts and boiled in small iron cauldrons (of which each hut had a battery of three roughly mounted in clay and stones) and more or less purified of dross etc by skimming and by allowing the heavier impurities to settle in cooling. After it cools the cake of sulphur and slag is lifted out of the pot and the sulphur separated from the latter. It

is

is again heated and run into round molds about 12 in. in diameter by 8 in. deep. In this form it is carried down the mountains for shipment, by coolies, a cake being suspended from each end of a bamboo bearing pole.

It was impossible to ascertain the quantity of sulphur thus produced, but it is necessarily very small. It is all shipped to China, most of it, if not all, going to Canton.

After (a delightful) lunch, sent up through the kindness of Mr. Cars of Russell & Co, we

omit

we retraced our steps, embarked and steamed down to Tamsui, the seaport at the mouth of the river.

Tamsui, Formosa.

Tamsui is the sea-port of the capital. It is ten miles from Taipeifu on the right bank of the Tamsui river. It has a troublesome bar over which ships drawing more than twelve feet cannot pass.

The foreign population numbers about a dozen people. The native population is about 95.000. The foreigners live on the top of a range of high hills. The native city is on the river bank and malarial

fever

fever prevails there. The only foreign physician in North Formosa resides at Tamsui. He visits Twatutia and Kelung. There is a missionary establishment here under the direction of the Canada Presbyterians. A Spanish Catholic Priest has lately arrived. The Governor, by the way, seems to identify the Catholics and the French. He said to me "you have few Catholics in your country". I said "you are mistaken we have at least ten millions". He said "your people dont like the Catholics". I said, "you are mistaken again; all religions are indifferent

to

to my government. We molest no man for his religious opinions. The Catholics in the United States are just as worthy, deserving and good citizens as the Protestants. There is not a particle of difference made in the government or in society between Catholics and Protestants". He seemed quite surprised at these statements.

The Trade of Tamsui in 1887.

For reasons that will appear hereafter I describe with some minuteness the trade of the chief port of Northern Formosa.

Shipping –

The

The shipping is continually on the increase. The "Douglas" is the main line of steamers, but 29 roving steamers entered Tamsui in 1887, bringing rice and sundry cargoes and taking away coal and passengers. Two other steamers under the British flag and seven sailing vessels entered the port. Here, as elsewhere, sailing vessels have decreased in number. One sailing vessel, of 180 tons burthen, flying the American flag, entered Tamsui in 1887; but no steamer.

Value of the Trade.

The gross

value

value of the trade in 1887 was K'k'n taels 5,641,990, being an increase of taels 74,000 over 1886. This increase is chiefly represented by the telegraph materials and machinery imported for government purposes. Rice increased as an import. Tea declined as an export in value, but not in quantity. Foreign Imports.

Opium imports increased. Opium was largely imported from Turkey. This opium can be divided in small quantities while a ball of Benares opium cannot be so minutely divided. Hence it is popular.

Cotton

Cotton goods show an increase of 10,000 pieces as compared with 1886. Japanese cloth has fallen away.

Forty nine pieces of American drills, worth taels 400, and 911 pieces of American sheetings, worth taels 2004, were imported.

In woolens and chiefly in lastings there is a decrease of 2000 pieces.

Kerosene oil and Japanese matches have held their own.

Of native imports there were 65000 piculs of rice, 11500 piculs of beans and 3500 piculs of wheat in excess of 1886.

The

The increased importation of rice is due in part to the failure of the local crop and in part to the increase of population. Medicines, tobacco, and potato flour show an increase, while nankeens, sugar and fans have declined.

Shanghai has largely increased her trade with Formosa. The total increase at Tamsui is Tik'n taels 264,000. The chief foreign imports from Shanghai were shirtings, Japanese cloth, ironware, hardware, cement machinery and kerosene oil. Tea.

The

The tea season opened May 6th: In June the largest business was done. Exportation continued until December. The exportation to Amoy for the year exceeds that of 1886 by 5000 piculs and that of 1885 by 4000 piculs: This result augurs well chiefly for the growers and badly for the foreign merchants: Native packers and middlemen have profited by the increase.

A large part of an accumulation of 50,000 half chests Namsui oolongs was held over which will be mixed with ~~the~~ new leaf this season. With this stock of old tea to be worked

off

omit

off in addition to the ordinary dust and common leaf used for adulteration the reputation of Formosa teas, will not be improved.

Camphor.

Under the auspices of the camphor office, 2500 piculs of this product have been collected and sent to Hongkong. A Cantonese firm takes this camphor at $12= a picul. It costs the government $9. and sometimes $11. per picul to procure the camphor so the profit is small.

Sulphur.

There has been considerable export of the product of the springs

springs hereinbefore described.

In September a native firm contracted for one year to take 3000 piculs for the Canton market at the rate of $\frac{7}{3}$.00 per picul, the government giving the sole right to sell Formosa sulphur at Canton. There has been some trouble, however, with persons claiming prior rights.

Coal.

The total amount of coal exported including cargoes in junks was tons 20,301.

Cargoes have been obtained with difficulty. The out-turn of the government mine above described has been 25 to 50

tons

tons a day. The coal business under the new English Engineer is improving.

Telegraph Lines.

In addition to the telegraph lines from Tamsui to Sharp's Peak, from Taipeifu to Tamsui and Keelung, already described herein, Taiwanfu was joined to the Pescadores by a short cable.

It is believed that some advance has been made for trade among the tribes south of the To-ko-kam River.

Further details of the trade of Tamsui may be found in the annual "Returns of Trade Reports", for 1887, of the Imperial

Maritime

not advisable to establish a full Consulate at Tamsui. The Department from this report and from other sources of information can determine this question.

Formosa is today the most progressive part of China. It comprises a body of land as rich as exists anywhere. Should the schemes of improvement now projected and in process of construction be successfully prosecuted a vast impetus will be given to commerce. Conflicting ideas of national development now confront each other in the United States. (If the views of

omit

of the present administration prevail the ships and the commerce of America will assume an increasing importance. Whatever (narrow) views as to protection may be urged at home, it is impossible that the American abroad should not desire to see his own flag floating in every port and on every sea.

Facilities furnished by the establishment of Consulates greatly contribute to national aggrandizement and to the furtherance of commercial interests.

In my opinion a United States Consulate of equal rank

with

Maritime Customs which has been forwarded to the Department. My figures are taken from this report.

Some General Observations

Great Britain has a Consul at Tamsui - Mr. F.S. Bourne, the gentleman who so actively assisted me in the Chungking difficulties two years ago. (On this occasion - it being the anniversary of the Queen's birthday - he entertained my party. I proposed the health of the Queen. Aboard the "Tuniata", which lay outside the bar he proposed the health of the President of the United States

civil-

with

with most eulogistic personal mention of Mr. Cleveland.)

Nearly the entire products of Formosa go to the United States. A peculiarly good feeling for our government and people exists here.

(At present there is a Consular Agent at Twatutia, Mr. T. T. Cowland of Russell & Co. There is also at Taiwanfu, in southern Formosa, a Consular Agent, Mr. Pelham L. Warren who is H.B. M's Consul. These two agencies are under the U.S. Consulate at Amoy.) It is worthy of serious consideration whether, in view of our intimate relations with Formosa, it is

not

omit

with other Consulates should be created for Formosa.

The Governor has assumed vast responsibility. His operations involve the expenditure of large sums of money. The system of taxation in Formosa has been primitive. She has been neglected by the Imperial Government, and has been spared taxes which prevail on the mainland. It is now necessary to raise enormous sums by taxation. The land-tax in China is being levied in Formosa. There will be opposition, riots perhaps, and serious difficulties. From the energetic character of the Governor

I argue success for him, but he may be involved in serious financial trouble. He already looks anxiously to the future. He has contracted great liabilities. He has great difficulty in meeting them. He has embarked on a novel and adventurous career for one of his nationality. His course points to a revolution which in it's effects may control the destiny of China. Success for him means imitation on the mainland and an unbounded progress for the empire.

The wold at large must applaud his energy and pluck

and

and wish him all manner of success.

The Lekin Question

The necessity for raising money has driven and will still drive the Governor to levying new lekin taxes. I thoroughly explained to him the position of foreign powers on the lekin question. I stated to him that, under the treaties, we would not pay lekin at the treaty port, nor would we pay lekin between the treaty port and the actual port of shipment. I told him that lekin, for instance, would not be paid between Iwatutia and Tamsui. That China had stood

by

by and seen foreigners invest enomous sums of money in places near to the treaty ports. That this money had been invested and trade had been prosecuted on the faith that only existing taxes would be collected, that China, was by her consent and non-action for many years, now estopped from levying new taxes, that it would be very easy to destroy all foreign trade by excessive taxation and it would not be submitted to. He made a lengthy explanation of his views of the likin question. I told him that the foreign powers could not

take

take into consideration any of the inconveniences of collecting lekin away from treaty ports and contiguous localities, that we could only look at the treaties and under our construction his propositions were inadmissible.

Map of Northern Formosa

I append hereto a map of Northern Formosa. Upon this map are inscribed the names of the following valuable trees growing in Formosa; the Camphor, the Shaulam, the Sasam, the Su-te-cha, the Lama and Katang, the Pride of India, the oak, the Rattan, and a great

1/670

variety

variety of bamboo.

The map will enable the Department to follow me in my trip across Formosa.

Macao.

The "Finiata" remained four days at Hongkong and left for Macao the morning of June 1st and arrived at 11 A.M. the same day.

As soon as we arrived a steam launch was sent out to the ship by the Acting Governor and put at our disposal. Captain Burwell, the Secretary and myself went ashore to call upon the Acting Governor. A salute was fired from the fort, a company of soldiers

was

was drawn up on the quay and a carriage awaited us. Mr. J. R. da Costa Duarte, the Secretary General and Secretary of Legation, Acting Governor, received us with great politeness. We were escorted to the Grotto of Camoens, and driven over the narrow limits of the Portugese possessions.

I do not think the Portugese officials are satisfied with the late Chinese Treaty. They say that Macao has belonged to Portugal for three hundred years, that the recognition of her title to Macao is all that she got under the treaty. For this, empty

consideration

consideration, she has agreed that Macao shall be an outstanding opium depot for China. Under this treaty, no opium can be sent from Macao to China without a certificate from the Chinese Commissioner that duties have been paid. Just beyond the narrow peninsula on which Macao stands the Chinese Custom House is located and watch is kept over dealers in opium.

It must be considered, however, that Portugal has set at rest a troublesome question. For many years she paid tribute or rent for Macao. Then

she

she ceased to pay anything.
From time to time, there have been mutterings that China would take possession of Macao. The Viceroy at Canton was hardly held in check by his Government and with difficulty prevented from seizing Macao, which he claimed to the last moment. The overwhelming influence of Sir Robert Hart, who desired to prevent smuggling and ensure the collection of the opium duties, alone, and with great difficulty secured the ratification of the treaty.

My own opinion is that China made a great mistake in formally granting Macao to

omit-

to Portugal. It is an integral part of China. She had better have bought it back than have parted, with her claim of title. It must be said that it is worth little to Portugal. There is little trade. Macao is simply a curious old European town located in China. It used to be a great place for smugglers to resort. It is now more noted for it's licensed gambling than for anything else.

The Portugese keep up an expensive establishment. I dined at the gubernatorial palace with a number of distinguished dignitaries. As

usual

usual on such official occasions the health of the President was proposed and drunk standing. I replied by proposing the health of His Majesty the King of Portugal.

Canton.

. . . . . June 5th I called on H. E. Chang Chih Tung, Viceroy of the two southern Provinces.

I had notified him that I would call on him with the Consul and my Secretary for a business interview. I was received cordially and after a considerable business discussion was entertained at dinner.

I talked with all possible plainness to the Viceroy. I

stated

stated to him that his conduct was in direct contrast to the treatment of the United States toward China. That since my appointment as Minister, three years ago, we had paid, or were to pay, to China, nearly a million dollars, whereas he had never paid a cent to our citizens. That I was sorry to learn that the goods of Americans were wrongfully seized for alleged evasion of lekin, that proper protection was not afforded to Americans, that their just claims were denied payment. I had to demand of him very plainly that he should take up and

settle

settle the pending claims of our citizens, particularly that of Dr. Fulton.

He made a general denial of all my statements as to wrongs and injuries except the non-payment of claims. He said he had promised me two years ago that there should be no riot, and he had kept his word, that he had not knowingly seized foreign goods for lepin and that, as for Dr Fulton's claim he had not paid it because the amount was not ascertained. He said Dr Fulton had said he had lost very little property and now he had a large claim. I said it

was

76

was impossible that Dr Fulton should have made such a declaration, that he was a thoroughly honest man and that besides it was exceedingly easy to have proof as to the actual loss and to decide on the evidence. He said the matter would be taken up and examined and he would do justice. He said that if foreign goods had been seized for lekin it was a mistake and that as soon as possible such mistakes were corrected. It is true that the bureau lately paid Russell & Co the full value of some kerosene oil that was

seized

seized by the Lekin authorities.

Mr. Seymour then read a lengthy paper stating item by item the greivances complained of. The viceroy promised to consider all the complaints and to do justice.

The point of the obstruction of the Canton River was presented by us. The viceroy did not then give any assurance that he would remove the obstructions, but I have lately seen it stated that he has ordered their removal on the ground that they produce floods...

The above is the substance of an interview which lasted about two hours. Two days

afterwards

afterwards the Viceroy was entertained by the Consul. Several of the officers of the "Juniata" were present ... The conversation was chiefly on modern naval improvements in which the Viceroy is much interested.

In the report of my visit to Canton, as to other places, I intentionally omit an account of my visits to the missions. They were fully described in the report of my tour made two years ago.

Foochow

The "Juniata" put into the Min River, on which Foochow is situated, June 12th.

Connue

Consul Wingate soon arrived in a steam-launch and we proceeded from Pagoda Anchorage to the city.

I called on the Viceroy and he returned my call. There was no business with the Viceroy awaiting me. Our conversation was general and very friendly.

Mr. Wingate successfully manages the business of this Consulate, generally without any appeal to the Legation.

There may be questions arising out of the looting of the San Pablo, but it is unnecessary to state them until they are formally presented

to

to me.

One of my reasons for going to Foochow was to obtain information as to the conduct of the Chinese officials at the time of the wreck of this ship. I found that the Chinese authorities had promptly sent a steamer to the wreck but the people of the vicinage had, before it's arrival, looted the ship. It is likely that I will bring the general question of protection to wrecks before the Yamên, with the view of securing regular methods of procedure, when ships are wrecked, and holding the local authorities responsible

for

for damage. A very good system now prevails in the Province of Shantung. It should be extended to all the coast provinces.

There may be questions arising as to the personnel of the Foochow Consulate in the future, but I am not prepared, at this time, to make any suggestions touching the same. Mr. Wingate has been nearly twenty five years in the Consular Service. He is well posted and intelligent. He conducts the business with prudence and judgment. He is somewhat unfortunate in his chief subordinate, Mr. Cowles,

with

with whom his relations have been abnormal and unfriendly. I made a serious effort to reconcile the differences, with what result I do not now know. I advert to the matter now as matter of caution. It may come before the Department in an authoritative form or it may, as I hope, be satisfactorily arranged.

priv.

Shanghai

The "Juniata" reached Shanghai June 18th. (By telegram from the Admiral the ship was put at my disposal for two weeks longer. I intended to visit my old friend General Jones, at Chinkiang, and

to

to touch at Chefoo and Newchwang. But the next morning orders came for the "Finiata" to proceed immediately to Chemulpo. The occasion, as was afterwards learned, was an anticipated emeute in Corea. It did not transpire, however, and the precautions taken proved to be unnecessary.

! Mil-

At Shanghai as elsewhere the local officials, called with many expressions of good-will, compliments to our distinguished Consul-General and lavish offers of entertainment.

Among the many matters of business discussed with General Kennedy, there is

but

but one which I particularly desire to bring to your attention.

The Case of Arlington.

During my stay in Shanghai, one Arlington, an American, was charged with taking indecent liberties with little girls in the public gardens. The peculiar atrocity of this crime awakened great indignation and there was serious talk of lynching.

Having heard the circumstances from the witnesses I advised his prosecution for an assault and battery with intent to commit a rape. To this charge he plead guilty and was sentenced to imprisonment

at

at, hard labor for four years.

The insufficiency of our criminal system in the east generally, and in outlying counties, was never better shown than by this case. The criminal jurisdiction of the Consul is, first, statutory. But the United States code provides no punishment for this or any other offence except offenses against the United States. The ordinary criminal jurisdiction belongs to the States and the Territories. The criminal jurisdiction is, second, common law.

But the common law in England has long since

been

been superseded by act of Parliament. That portion of the common law which prevails in the United States antedates the Revolution. It was necessary in this case to go back to a time prior to the Revolution to find the definition of the crime and its punishment. We found, or thought we found, that the punishment in such cases was left to the discretion of the court. Public opinion and justice demanded a heavy punishment. We did the best we could.

The remedy for this anomalous condition of things is so simple that I must

seriously

zealously recommend it's adoption. It would be the simplest piece of labor to draw a bill providing that if any American shall commit any defined offence in China, Japan, Siam, Corea, or any of the islands in the east, or in any uninhabited country, he shall be punished as enacted. Congress would certainly pass such a bill and the Consuls and Legations would readily and easily enforce it's provisions.

This is not to be omitted

As the Minister of the United States is denied power of legislation the only possible solution of a great and

growing

growing difficulty is the one stated. I commend the subject to the careful consideration of Dr. Wharton. It is worthy of his distinguished pen.

In this general report I do not deem it necessary to discuss elaborately the questions involved but may do so hereafter in a separate despatch.

During my stay in Shanghai, the "Furiata" fired a salute of twenty one guns for the Emperor William, of Germany, and I attended the funeral obsequies of the late Emperor Frederick.

Tientsin:

July 1st I called on

the

the viceroy Li Hung Chang. He had been sick for twenty days and received me as a special mark of favor.

Here, again, there are no questions pending, requiring my interposition. The viceroy is intelligent has experience, properly esteems foreigners, and no difficulties worthy of mention occur in his province.

As he and I are old friends our interview was very friendly. He inquired as usual about American politics and expressed an earnest wish for the success of President Cleveland in the fall, election.

I inquired whether the

railroad

would go from Kingchow to Peking. He said it was not certain that it would be extended to King Chow, that there was opposition to it (in the Yamên and asked me to use my influence with the Yamên in favor of the scheme.)

omit

He then inquired about the reputation and wealth of Wharton Barker. I answered that I did not personally know him but that his reputation among business men seemed to be good, that he was reputed also to have some means. I asked if Wharton Barker would come to China. He said I ought to know.

I

I said I had never had any correspondence directly or indirectly with Mr. Barker and knew nothing of his plans, that it was no part of my official business to take part in the private schemes of my countrymen. He said that was excellent policy, but said Mr. von Brandt acted differently.

omit

General Wilson was alluded to by the viceroy. I spoke of him in the highest terms. The viceroy said Wilson was as poor a man as he was. I said I did not know what the viceroy's wealth was but General Wilson was by no means

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omit

a poor man, that he could raise in New York among his friends any sum of money that might be required for any legitimate enterprise in China. I stated, however, that these were merely my personal views relating to a friend whom I had long known, and were in no sense to be taken as an official statement.

He then inquired if I knew the Minister to Corea and what his rank was. I said he was Minister Resident and Consul-General. He said he meddled in things that did not concern him. I said that I thought that an

investigati

investigation of his conduct would disprove that assertion, that men were often accused of participating in schemes of which they had no knowledge, that Mr. Dinsmore stood well with everybody who knew him and that I believed him to be prudent and discreet. I had never known that in any public act he desired anything more than that Corea should observe her treaties and that our citizens should be protected in their treaty rights.

Concluding Observations.

I desire to return thanks to Admiral Clardler for

for the use of the "Juniata" and to Lieutenant Commander Burwell and his officers and crew for their uniform kindness and for substantial assistance furnished me in the prosecution of my trip. I found on this tour, as before, and as I believe I will always find, that the American Naval Officers are accomplished, educated and agreeable gentlemen.

It is, possibly, not within my purview to make any suggestions touching the Navy, but an extended experience has satisfied me that the Government should have on this station at least two

small

small draft steamers capable of going to Canton, Tientsin, Shanghai and, in fact, to all the chief cities in China. Nearly all the principal treaty ports are situated on rivers. These ships should be fast and modern in their appointments. (The "Tunsiata" often did not go as much as six miles an hour.) On proper request one of these ships should be put at the disposition of the Minister for trips to the ports.

omit

I am satisfied that ministerial tours are productive of great good. They display the flag, they serve to introduce naval officers to the best Chinese

and

and foreign society, they enable the minister to keep thoroughly posted on the wants of the foreign population, they create friendly feeling between the Chinese officials and the foreigners. For the Navy and the Minister there can be no better discipline.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosure.

1. Map of Formosa

DEPART
AUG
RE
Sep. 4 R. 188

DIPLOMATIC BUREAU.

2D ASSISTANT SECRETARY.
Ack. by Number and File.
AUG 30 1888

No 671.

Legation of the United States.
Peking, July 20th 1888.

DEPARTMENT OF STATE
AUG 29 1888
RECEIVED.

Mr. Charles Denby
to the
Secretary of State

Subject
Chinese Railway Company.

Synopsis
Negotiations for extension
of line between Tientsin
and Tung Chow.

Sep. 4 R. 1888

No 671.

Legation of the United States.
Peking, July 20th, 1888.

Honorable Thomas F. Bayard
Secretary of State
Washington.

PRINTED
FOREIGN RELATIONS
1888

Sir:—

I have the honor to inform you, that negotiations are pending here for the extension of the China Railway, from Tientsin to Tung Chow, a place about fourteen miles from this on the terminus of the Peiho River. The line from the Kai Ping Mines to Tientsin is nearly completed, and the directors are very anxious to extend the Company's operations in the direction of the capital.

It

It is rumored that there is some opposition in official circles against the project, but it is believed that the negotiations will be pushed to a favorable result on the arrival of the newly appointed Provincial Judge of Chihli (who is interested in the Company) for audience of the Emperor.

I understand that the proposed line has been surveyed by competent engineers and it is only necessary to get the sanction of the Emperor when work will be commenced and pushed on with energy.

I have the honor to be

Sir

Your obedient servant

Charles Denby

MR. FORD.

DEPARTMENT OF STATE
AUG 29 1888
RECEIVED.

No 672.

2D ASSISTANT SECRETARY.
AUG 30 1888

Legation of the United States
Peking, July 20th, 1888.

Mr. Charles Denby.
to the
Secretary of State

Subject
Mining in China.

Synopsis
Mr. Denby presents an abstract of a memorial on the subject of copper mining in Yunnan.

No 672.

Legation of the United States.

Peking, July 20th, 1888.

Honorable Thomas F. Bayard.

Secretary of State

Washington.

PRINTED
FOREIGN RELATIONS
1888

Sir:—

The feeling and interest displayed by the Chinese in the matter of developing the mining resources of this country has received quite an impetus during the past two years. China is beginning to realize the importance of, and the advantages that will accrue to the Government and people by, the utilization of her mineral wealth, and it is not infrequent that we hear

that of proposals being made by the high authorities to the throne for permission to open and work mines.

Recently a memorial was presented to the Emperor by Tang Chung Director of mines in in Yunnan upon the subject of copper mining in that province. The memorialist reports the measures which he has taken for developing the mining industry of certain districts in Yunnan. He states that towards the end of last year he started for Chaotung and on his arrival there he found some Japanese mining engineers awaiting him.

Accompanied by them he went over all the hills in the district

making

meeting about which lasted two months.

Rich veins of ore were found at several places. Lead was found in abundance at a place called Weiring. Mining establishments were started at all the places named under the charge of a public mercantile company and in out lying points where the company could not start operations the natives were allowed to open mines on their own account. The company was to purchase the out turn of these mines at certain fixed rates and to prevent smuggling the miners were not authorized to establish smelting furnaces.

The memorialist goes on to say that ?

that mining, smelting and all other operations were at first to be conducted on the native principle, but if this proved unsuitable, an admixture of western system was to be introduced. A worthy object cited by the memorialist was to give employment and support to the needy population. Every care was taken to provide for the comfort of the miners and the maintenance of discipline among them and secret societies and known brotherhoods were strictly forbidden. As soon as success was secured for the enterprise in the East of German operations would be extended elsewhere. —

There is one difficulty cited the

memorialist

memorialist and that as, all the mines alluded to are new ones and he learnt from the Japanese engineers that it was only by sinking to a depth of four or five hundred chang (a chang is 10 Chinese feet) that they could be worked on a large scale. The work is so hard that unless foreign machinery is employed no result could be obtained for eight or nine months.

The memorialist concludes by saying that he will urge the company to use its utmost efforts to obtain successful results at the earliest possible date.

I have the honour to be

Sir

Your obedient servant

Charles Denby

DEPARTMENT OF STATE
SEP 11 1888
RECEIVED

No 673. One Enclosure.

Legation of the United States
Peking, July 21st, 1888.

Mr. Denby
to the
Secretary of State

Subject
Transmitting Contingent
Expense Account for Quarter
Ending 30th June 1888.

Universidad de Chile
BIBLIOTECA

No 673. One enclosure.

Legation of the United States.

Peking, July 21st, 1888.

Honorable Thomas F. Bayard
Secretary of State
Washington.

Sir:—

673. I have the honor to enclose a statement of my account for contingent expenses during the quarter ending June 30th 1888.

I have the honor to be,
Sir,
Your Obedient Servant
Charles Denby

Enclosure 1.

Statement as above.

DEPARTMENT OF STATE
SEP 11 1888
RECEIVED.

No 674. Mr. Endorsement.

Legation of the United States
Pekin, July 23d 1888.

Mr. Charles Denby
to the
Secretary of State

Subject
Repairs Account of Legation
premises, second Quarter 1888.

M

No 674. One Enclosure.

Legation of the United States.

Peking, July 23d, 1888.

Honorable Thomas F. Bayard.

Secretary of State.

Washington.

Sir:—

I have the honor to

674. hand you enclosed my account

for Repairs to Legation premises

for Quarter ending the 30th of

June 1888.

I have the honor to be,

Sir,

Your obedient Servant

Charles Denby

Enclosure 1—

Account as above.

DEPARTMENT OF STATE
SEP 11 1888
RECEIVED.

No. 675.

Legation of the United States.

Peking July 23rd 1888.

Mr. Denby to the

Secretary of State.

Subject.

Acknowledging despatches.

No 675.

Legation of the United States.

Peking July 23rd 1888.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of your despatches as follows: Nos 326, 327 and 328 of June 7th, and Nos 329 and 330 of June 15th last.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

No 676.

DEPARTMENT OF STATE
SEP 11 1888
RECEIVED.

Legation of the United States.

Peking July 23rd 1888

Mr. Denby to the

Secretary of State.

Subject

Stationery received.

No. 676.

Legation of the United States.
Peking July 23rd 1888.

To the Honorable
Thomas F. Bayard
Secretary of State
Washington, D.C.

Sir:

Referring to your despatch No. 310 of May 5th last, I have the honor to acknowledge the receipt of two boxes of stationery and one box of flags mentioned therein, being the articles requested in my No. 582 of March 1st 1888.

I have the honor to be, Sir,
Your obedient servant,
Charles Denby

DEPARTMENT OF STATE
SEP 11 1888
RECEIVED.

No 677.

Legation of the United States.

Peking July 27th 1888.

2D ASSISTANT SECRETARY.
Instruct Mr. Denby to present the claim
SEP 11 1888

Sept. 12, 1888. Cridler

Mr. Denby to the

Secretary of State.

Subject.

Mr. Louis McCaslin's claim for damages.

Synopsis.

Mr. McCaslin claims damages in the sum of taels 10.357.50 from Chinese Government on account of personal injuries inflicted through the wilful negligence of certain government employees.

One enclosure.

No 677.

Legation of the United States.

Peking, July 27th 1888.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor to report that, I have received from Consul Pettus for presentation to the Imperial Government the claim of Louis McCarlin for damages suffered by the wanton, or grossly negligent, acts of the bridge keepers at Ningpo April 29th 1888, in closing a bridge

on

on his ~~[illegible]~~ Lorcher-boat.

As the briefest and most satisfactory mode of presenting the facts, I enclose, herewith, a copy of the testimony of said Louis McCaslin, taken before the Consul June 11th of this year. These facts are corroborated by the testimony of Captain Nicholas Pratt, an American, and several Chinese.

1/677

The conduct of the Taotai, as reported by the Consul, has been contrary to all law and justice. Being informed of this wanton injury, he referred the matter to the chief of Police, an Englishman named Watson, to take the

testimony

testimony of the boatmen employed on the occasion. On their evidence, which was never reported to the Consul, the Taotai "closed the case". The Consul unavailingly protested and demanded a copy of the evidence on which the Taotai acted. This was refused. He also demanded a joint investigation under Art. 28. of the Tientsin Treaty of 1858. This proposal was declined.

The Consul then notified the Taotai that he would take the proof the 11th June when the Taotai might attend if he pleased.

The

on his ~~[illegible]~~ house-boat.

As the briefest and most satisfactory mode of presenting the facts, I enclose, herewith, a copy of the testimony of said Louis McCaslin, taken before the Consul June 11th of this year. These facts are corroborated by the testimony of Captain Nicholas Pratt, an American, and several Chinese.

1/677

The conduct of the Taotai, as reported by the Consul, has been contrary to all law and justice. Being informed of this wanton injury, he referred the matter to the chief of Police, an Englishman named Watson, to take the

testimony

testimony of the boatmen employed on the occasion. On their evidence, which was never reported to the Consul, the Taotai "closed the case". The Consul unavailingly protested and demanded a copy of the evidence on which the Taotai acted. This was refused. He also demanded a joint investigation under Art. 28. of the Tientsin Treaty of 1858. This proposal was declined.

The Consul then notified the Taotai that he would take the proof the 11th June when the Taotai might attend if he pleased.

The

The evidence was taken. This before me and thoroughly sustains the statements of Mr. McCaslin. This evidence was transmitted to the Taotai with a demand for the payment of damages. I deem it unnecessary to forward a copy of it. The only reply that the Taotai made was that he had already disposed of the case.

Nothing remained to be done except to send the case to me to be presented to the Imperial Government. With your approval I will most cheerfully demand the payment of the proven damages. The case strikes me as one of gross negligence or

as

as almost an injury wantonly inflicted.

While the bridge tenders did not, perhaps, intend to inflict serious bodily injury, they did intend to show to the assembled multitude that the boat of the foreigners could not pass as the preceding mandarin boat had done.

The excuse of the Taotai was that many persons were waiting to cross the bridge and it had to be closed. But a strong tide was running, the house-boat could not be stopped, the bridge-keepers were appealed to not to close the bridge and closed it knowing

that

the lives of the occupants would be in danger McCaslin probably saved their lives at the expense of great injuries to himself.

The case is important not only as to the general question of damages, but also as to the asserted right to ignore a treaty provision which defines the mode of procedure.

I, therefore, ask authority to present this claim to the Government of China.

I have the honor to be,

Sir,

Your obedient servant

Charles Denby

Enclosure

1. Louis McCaslin's memorial to the U. Consul, Ningpo June 11 1888.

See Mr. Pettus to Mr. Denby No. 241 July 16

Enclosure 1 in No 677.

In the United States Court for the Consular District of Ningpo.

In the matter of the wounding of L. McCaslin by keepers of the bridge on the 29th April 1888 } Memorial of Louis McCaslin with amount of claim.

Ningpo June 11th 1888.

Thos. J. Pettus, Esq.
United States Consul
Ningpo

Sir:

Being a citizen of the United States now resident at Ningpo, I beg to memorialize you with reference to a claim which I wish to bring against the Chinese Government and I, herewith, attach a statement showing why I wish to bring this claim, and the grounds I have for doing so, it is in brief as follows:

At about eight o'clock on the morning of April 29th 1888,

I

I with Capt N. Pratt and his wife and child, four boatmen and two servants, started on a pleasure trip to Niew Dong, a village some twelve or fifteen miles from Ningpo. We reached Niew Dong without incident about noon, but did not go to the temple owing to the rain. We remained a little below the village long enough to get our tiffin and then started on our return to Ningpo. We reached the overhaul at about 4. P.M., here our boat was hauled from the canal over the embankment into the river. The overhaul is about three quarters of a mile above what is known as the "Old bridge of boats", there was an ebb tide running at the time and I presume it must have been about four-thirty p.m. when we got to the bridge (allowing for slight delay at the overhaul) when a short distance above

The

the bridge we noticed a mandarin's boat just ahead of us, and, to allow this boat to pass, one section of the bridge was drawn, leaving a clear space of about twenty five or thirty feet for the passage of the mandarin's boat which we were following very close intending to follow her through the bridge, it is the custom for small boats to follow large ones through in this way without paying a fee, in any case we were so close to the bridge before we discovered our danger that it would have been utterly impossible for us to change our course, as the tide was with us and we had from six to seven miles' way on the boat. The boatmen and Captain Pratt cried out to the bridge keepers not to shut the bridge, but to this they paid no attention but began to swing the loose section back in it's place directly

The

the mandarin's boat had cleared it, well knowing that my boat must be jammed. I remained inside the house of the boat until we were within six or eight feet of the first pontoon of the rapidly closing section. I then saw a collision was inevitable. Capt Pratt and one boatman were standing forward fending off the pontoon with a boat hook, when I ran out to do what I could to ease the shock by pushing off with my hands, and we nearly succeeded in clearing the first pontoon, but, before I could get back from where I was standing, the other pontoon came sweeping around on us and caught me on the right ear jamming me up against the forward end of the house boat, it must have knocked me through the door in some way (I was rather dazed for a few seconds) I found myself in a heap on

the

the floor inside the house of the boat. I think I got up without assistance and found my lower jaw broken slightly to the right of the middle and both ends of the bone sticking up against the roof of my mouth. I managed to get two fingers in my mouth and by pulling down on the ends of the bone got it nearly back in it's place. I then, with the assistance of Captain Pratt and his wife, managed to get my coat off and found both arms bleeding and badly bruised and the right thumb dislocated. Capt Pratt had at once after the collision ordered the boatmen to get the boat to my house as quickly as possible and it took us about twenty five minutes to reach there. Dr Daly was in attendance within half an hour afterwards, say forty five minutes from the time I was hurt.

The

The doctor informed me that my lower jaw was broken in three places and that my right thumb was dislocated. He attended to my injuries, and put me to bed and remained with me all night.

The next day April 30th I, by Dr Daly's advice, left for the Hospital at Shanghai, where I arrived at about 9. A. M. on May 1st. I remained in the hospital for 11 days and during that time Dr Little attended me twice every day. I remained under medical treatment for two weeks after leaving the hospital and my injuries necessitated my remaining in Shanghai five weeks. When I returned to Ningpo I was again examined by Dr Daly and he informed me that two of the fractures in my jaw showed no signs of uniting and that

the

the injuries to the jaw and to the right thumb will be permanent. And for these permanent bodily injuries sustained by me, as well as hospital expenses, doctor's fees etc, I herewith attach a claim for Shanghai taels Ten thousand three hundred and fifty seven and fifty cents, which I consider a very moderate and just claim considering the nature of my injuries.

My reason for making this claim against the Chinese government is that the bridge is government property and the bridge-keepers are government employés and my injuries were caused solely by either gross neglect of their duty or by a wilful intent on their part to injure my boat thus placing in jeopardy the lives of ten people on board the boat. I not only claim the amount specified

but

but also any extra expenses that I may be put to hereafter in pushing this claim.

I am, Sir,

Your obedient servant,

(sd) Louis McCaslin.

Personally came before me, Thos F. Pettus United States Consul, Ningpo, Empire of China, Louis McCaslin, a citizen of the United States of America, who makes oath the foregoing memorial is true and correct and that no one besides himself has any interest in the claim as stated in the foregoing memorial.

In witness whereof I have hereunto set my hand and applied the seal of this Consulate on the 18th day of June, A.D. 1888 and of the Independence of the United States the one hundred and twelfth.

(Sgd) Thos F. Pettus

(L.S.) U.S. Consul.

The following is a statement of the claim I wish to bring against the Chinese Government for injuries sustained by me through the actions of the keepers of the old bridge of boats on Apl. 29th 1888.

	Shanghai Taels	
Doctor's fees in Ningpo	22	99
Passage to Shanghai & back	10	95
11 Days hospital expenses	33	00
24 " Hotel "	52	56
Damage to boat	10	00
5 weeks time that I was unable to attend to business	225	00
Claim for bodily injuries	10000	00
For extra expenses that may arise in pushing the claim		
	Shai Hs	10357 00

(s'd) Louis McCarlin.

Sworn & subscribed to before me on this the 18th of June A.D. 1888

(s'd) Thos F. Pettus.

(L.S.) U.S. Consul.

DEPARTMENT OF STATE
SEP 11 1888
RECEIVED.

No 678. No. Enclosure.

2D ASSISTANT SECRETARY.
Ack. by Number and File.
SEP 11 1888
aah

Legation of the United States
Peking, July 30th, 1888.

Copy F.R. 1888

W. Charles Denby
to the
Secretary of State

Subject.

Enclosing Edict in regard to the proposed retirement of Empress Regent as director, or Adviser of Government.

No 678. One Enclosure.

Legation of the United States.

Peking, July 30th, 1888.

Honorable Thomas F. Bayard.

Secretary of State

Washington.

PRINTED
FOREIGN RELATIONS
1888

Sir:—

I have the honor
678. to enclose a translation of an
Edict recently promulgated by
the Empress Regent having relation
to her retirement as director of
Government after the marriage of
the Emperor which will be celebrated
sometime during the month of
February next.

I have the honor to be
Sir
Your Obedient Servant
Charles Denby

Enclosure 1.
Translation of Edict as above. published July 27th 1888

Enclosure 1 with despatch No 678.

An Edict issued ~~issued~~ by the Empress Regent, published in Peking Gazette, July 27th, 1888.

Inasmuch as when the Emperor first assumed rule of Government, there would be questions arise that might cause His Majesty some hesitancy as to the measures to be adopted to meet them, We could not refuse to offer Our advice when occasion made it necessary, and We therefore felt constrained to yield consent to the entreaty of Our servants of State to continue the direction of Government for some years.

During the past two years

His

His Majesty has devoted his leisure hours in continuing his course of instruction and has shown skill and cleverness in the advancement of his education.

In the matter of Governmental questions, whether important or otherwise, His Majesty has proved himself competent to determine the pros and cons, as they arise, and to deal with them in a manner befitting and right. It is this is a source of great joy.

His Majesty will enter the bonds of matrimony sometime during the 1st moon of next year (about February) and he should thereupon

assume

assume the Entire charge of the administration of Government, thus satisfying the aspirations and hopes of Our Ministers and the people of Our Empire.

Let the Board of Astronomy nominally select an auspicious day during the 2d moon of next year, (March) for Our retirement and report to us.

Respect this

DEPARTMENT OF STATE
SEP 20 1888
RECEIVED.

Ackd. Sept. 22 1888.

No 679

Legation of the United States.
Peking August 2nd 1888.

Mr. Denby to the
Secretary of State.

Subject.

Claim for the looting of the Pilot Boat "Ruby" in October 1886.

Synopsis.

The evidence on file reviewed. Attention called to the Treaty Instructions asked as to whether claim shall be presented by Minister to Chinese Government.

One enclosure.

No. 679.

Legation of the United States.
Peking August 2nd 1888.

To the Honorable
Thomas F. Bayard
Secretary of State
Washington, D. C.

Sir:

I have the honor to report that I have received from Consul Pettus the papers relating to the alleged looting and sinking of the pilot boat "Ruby" near a place called Chu-cha-mēn, some forty or fifty miles northeast of Ningpo, in the month of October 1886.

The Consul presented a claim

for

for 6.500 taels damages unsuccessfully to the Taotai. I am requested to present it to the Imperial Government for settlement.

The boat was owned by Reuben T. McCaslin, an American citizen and John Snowden, a subject of Great Britain, in equal shares. These men are pilots. They left Shanghai October 15th 1886 for the cruising ground outside of Woosung. Mr Caslin and Snowden successively left the "Ruby" for the purpose of piloting vessels into Shanghai. The "Ruby" remained in charge of the Chinese crew.

The

The boat put into Chusha-mēn on account of a gale. What occurred afterwards is stated in the depositions of Wong Chun Shan and Woo Ah Yuen. These men were lowdahs on the "Ruby". Their depositions are identical. I enclose a copy of one of them. The case rests on these depositions.

There is some corroboration, which, however, is hearsay, in the statement of Mr. Emens. He was sent by the Consul-General to the locality and reports that he was told by divers persons that a pilot boat had been looted, but he

found

found no witnesses who saw the act done.

This claim was presented to the Taotai of Ningpo who, in turn, referred the matter to the Prefect of Tinghai, and the Magistrate of Chenhai to report thereon. These officials made, as they say, diligent examination. The Tinghai Prefect reported that no place named Chu-sha-mên existed, that he ascertained that, during a heavy gale east of Changtou, a foreign vessel ran on a rock, knocking a hole in her bottom and causing her to sink. The crew was rescued by some fishermen

and

and the boat was a total loss. He personally visited the locality and received the same report from all the people. He says that, if the boat struck at the place indicated, she could not have been looted because fishing-boats could not have got to her.

The other official investigated the matter in person and reported substantially in the same manner.

It is to be remarked that the case for the claimant rests on very short and unsatisfactory depositions by two lowdahs. No account is given of the voyage after

Snowden

Snowden left. The questions are all leading and there are no details. The whole account is suspicious and gives rise to the doubt whether these men are telling the truth or whether they are covering up their own negligence.

Assuming, however, that the matter occurred exactly as stated the question remains: is there any liability, under the treaties, on the part of the Chinese Government to pay damages?

The treaty clause applicable to such cases is found in Art XIII of the Tientsin Treaty of 18th June 1858.

It reads as follows:

"Art XIII. - x x x x x x x x x x. If "merchant vessels of the United "States, while within the waters "over which the Chinese Government "exercise jurisdiction, be plundered "by robbers or pirates, then the "Chinese local authorities, civil "and military, on receiving "information thereof, shall arrest "the said robbers or pirates, and "punish them according to law, "and shall cause all the "property that can be recovered "to be restored to the owners, "or placed in the hands of the "Consul. If by reason of the "extent of territory and numerous "population of China, it shall

in

"in any case happen that the
"robbers cannot be apprehended,
"and the property only in part
"recovered, the Chinese Government
"shall not make indemnity
"for the goods lost; but, if it
"shall be proved that the local
"authorities have been in
"collusion with the robbers, the
"same shall be communicated
"to the superior authorities for
"memorializing the throne and
"these officers shall be severely
"punished and their property
"be confiscated to repay the
"losses."

It is to be noticed that
no charge of collusion or of
negligence is made against

the

the local authorities. The charge is nakedly and simply that the pilot boat was looted by fishermen or pirates. Under the article quoted there would seem to be no legal obligation resting on the Chinese Government to pay these damages.

This case differs from that of the San Pablo in this, that there is no alleged wrecking or stranding. It is not averred that the boat suffered any damage whatever, or that she was in any danger.

As the boat was a pilot boat, my sympathies for that useful species of craft, and for pilots, would induce me

to

to recommend some effort to secure, ex gratiâ, compensation for Mr. McCaslin, if I had any confidence that the facts really were as stated: But the looting of a pilot boat is very improbable and the burden of proof to my mind is that the boat was sunk by an accident.

I respectfully ask your instructions as to what shall be done with the claim.

His Excellency the British Minister, being consulted, informs me that no claim for the wrongs stated has been transmitted to him by Mr. Snowden. Should such claim

be

be presented to him we will advise with each other as to the course to be pursued. I deemed it proper not to wait his action but to get your instructions in advance on the general question. Any facts hereafter ascertained, if they tend to modify the views expressed, will be reported for further instructions.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosure

1. Statement of Wang Chun Shan [王春山] in the matter of the loss of the "Ruby"

Copy

Enclosure 1 in No. 679.

United States Consulate General,
Shanghai Nov 16th 1886.

In the matter of the loss of the schooner "Ruby"
Statement of Wong Chun Shan 王春山

1. Were you one of the crew of the "Ruby"?
I was the Cook.
2. How many days after Mr. Snowden left the "Ruby" did the crew leave her?
Five days.
3. How long were you in Ningpo?
Two days.
4. From where the boat was lost how long did it take you to go to Ningpo?
Two days.
5. Why did you leave her?
Being surrounded by fishermen who ~~were~~ forcibly were taking everything that belonged to the boat and

threatened

threatened to attack us if we resisted we were obliged to leave.

6. Did fishermen come aboard before the crew left?

Yes.

7. How long after the fishermen came aboard before you left?

Two hours.

8. Did the fishermen drive you out of the boat?

They began looting the boat and the crew were compelled to leave.

9. Did the crew of the "Ruby" try to prevent the fishermen from coming on board?

It was impossible for us to defend ourselves owing to the number of the fishermen.

10. What was the name of the place where you went ashore?

Chu-sha-mên 硃砂門.

DIPLOMATIC BUREAU

20

file

DEPARTMENT OF STATE
SEP 20 1888
RECEIVED.

No 680.

2D ASSISTANT SECRETARY.
Ack. by Number and File.
SEP. 20 1888

Legation of the United States
Peking, August 2d. 1888.

Mr. Charles Denby
to the
Secretary of State

Subject.
Acknowledging Circular
letter of June 18th, 1888.

No 680.

Legation of the United States.

Peking, August 2d 1888.

Honorable Thomas F. Bayard

Secretary of State

Washington

Sir:—

I have the honor to acknowledge the receipt of your circular letter, dated June 18th 1888, embodying a recent order of the Secretary of the Treasury, to the effect that "on and after July 1st 1888, "the numbering of the quarters of the year will "be made by the fiscal instead of the calendar "year, as heretofore."

I have the honor to be,

Sir

Your Obedient Servant

Charles Denby

Ack by mo. & file
JBM.
Oct. 31, 1888.

DEPARTMENT OF STATE
SEP 20 1888
RECEIVED.

No 681.

Legation of the United States.
Peking August 3rd 1888.

Mr. Denby to the
Secretary of State.

Copy FR. 1888

Subject.
The late treaty with China.

Synopsis.
Notice of some comments thereon made in China.

No. 681.

Legation of the United States.
Peking August 3rd 1888.

To the Honorable
Thomas F. Bayard
Secretary of State
Washington, D.C.

PRINTED
FOREIGN RELATIONS
1888

Sir:

It is not within my province to comment on your official acts, favorably or unfavorably, still you may not consider it improper for me to express my complete approval of the Treaty with China lately negotiated by you.

Comment has been made here

here why the right of settling in the interior was not secured to Americans.

The answer is plain.

As long as the Foreign Powers conserve the right of extraterritorial jurisdiction, China cannot, in it's length and breadth, be safely thrown open to foreigners for permanent settlement. It is impossible to provide in the interior the machinery necessary to enforce the laws of the various nations of the world.

The necessity for legal tribunals to settle ever recurring disputes, in civil matters, between the subjects

of

of the various nationalities, and between them and the Chinese is apparent. It is indispensable also that crime should be punished. Difficulties continually arise at the treaty ports touching the treatment of foreigners who are not represented by Consuls. These difficulties would become insuperable if foreigners were permanently settled all over China.

The missionaries, who have put into practice the assumed right of permanent settlement, are not engaged in business and, therefore, rarely come in contact with the Chinese.

It is worthy of remark that the only noticeable new clause in the Portugese-Chinese treaty of December 1887 (See Art. XVI) is this one; "It is understood, "however, that the shops or "warehouses, above mentioned, "shall only be allowed at the "ports open to trade but not at "any place in the interior."

The action of Australia antagonistic to the Chinese immigrants, which followed the negotiation of the late treaty with the United States, has also given rise to comment.

The condition touching Australia differs materially from that relative to the

United

United States under which that treaty was negotiated. China was not at all disinclined to agree to the provisions of exclusion therein incorporated. Her action was put on the basis of protection to her people, which could only be secured by their exclusion from the United States. But China covets Australia as a home for her emigrants. A late Commission, which visited that country, made glowing reports as to the condition of the Chinese. It proposed to establish consulates in Australia. It made no serious objection as to the

treatment

treatment of the Chinese. It merely suggested proceedings to secure the abolition of an obnoxious poll-tax on landing.

The object of China as to Australia was to facilitate emigration. Her object in dealing with us was to prohibit it. She now finds herself, to her surprise, confronted with the same active antagonism in Australia which meets her in our own western States.

The question is an embarrassing one for the Government of Great Britain. It's relations with China are intimate and delicate. It's Indian Empire is conterminous in Burmah

with

with China. It is endeavoring to open Tibet to trade. It's policy in Peking has been dominated by the desire to keep on friendly terms with China.

The rude Australian shock, which involves the remodeling of the treaties, is morally distasteful to it's humanitarians, and an interference with it's settled policy toward China.

But the home Government will obey the will of the Colonies. It will necessarily bow before the consensus of all other races in the condemnation of the immigration of a non-assimilating class which

takes

unit

Omit

takes with it wherever it goes its national exclusiveness.]

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

China Despatches.

REMONT
IRT. N.J.

August 5th 1888.

he Honorable
Thomas F. Bayard
Secretary of State
Washington. D.C.

Sir,

I have the honor to
ward to you herewith my account
salary as Secretary of Legation
China for the term of my
ve of absence which expired
the 3rd instant.

I would be pleased if you
uld instruct me when I may
aw upon you for the amount
e me. I am, Sir,
Very respectfully
Your obedient servant,
W. W. Rockhill.

closure.
count as above.

DIPLOMATIC BUREAU.

Chief Clerk, A.B. SEP 22 1888 Respectfully referred to Mr Everett

DEPARTMENT OF STATE SEP 20 1888 RECEIVED.

2D ASSISTANT SECRETARY. Copy to Secy of Navy for Hydrographic Office. Ack accordingly. SEP 22 1888 Sept. 24 Sept. 24 Entered

No 682.

Legation of the United States.

Peking August 7th 1888.

Mr. Denby to the

Secretary of State.

BUREAU OF STATISTICS RECEIVED. SEP 21 1888

Subject.

Protection to wrecks on the coast of Shantung.

Synopsis.

Encloses a memorial from the Governor of Shantung proposing certain rules for the said object.

One enclosure.

No 682.

Legation of the United States.

Peking August 7th 1888.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

PRINTED
FOREIGN RELATIONS
1888

Sir:

I have the honor to enclose, herewith, a translation of a memorial from the Governor of Shantung covering a set of regulations for the protection and salvage of vessels on the coast of that province.

I have the honor to be, Sir,

Your obedient servant,

Charles Denby

Enclosure.

1. Memorial, as above, from Peking Gazette May 21st 1888.

Copy. Enclosure 1 in No 682.

Memorial of the Governor of Shantung enclosing a set of regulations for the protection and salvage of vessels on the coast of that province.

From Peking Gazette May 21st 1888.

Chang Yao, the Governor of Shantung, submits a memorial in which he encloses for Imperial sanction a number of regulations which he has had drawn up for the protection of vessels that may meet with casualties on the coast of the province.

The "Pautah", a steamer belonging to the China Merchants Company, struck, some months ago on a rock off the Chefoo promontory, and, having become a total wreck, was plundered by the villagers in the neighborhood. In the report which the Governor forwarded to the Throne, he dwelt upon the necessity of devising some measures

for

for the protection of vessels meeting with such mishaps in the future, and stated that he was in consultation with H. E. Li Hung Chang, the Northern Superintendent of Trade, as to the advisableness of drawing up a code of regulations which might prevent a repitition of such a serious offence on the part of the villagers and might save traders from being exposed to such harm in future. The memorialist observes that the coast-line of Shantung province is dotted over with islands and studded with rocks among which passing vessels, if they happen to meet with a fog, are sure to lose their way and become stranded. The people along the seaboard make use of such occasions to commit indiscriminate plunder. When a vessel is completely wrecked, the islanders, who are quite at home

in

in the water, and set little store by their lives, dive down and bring up the cargo. This might be excused but it is intolerable that they should, as they often do, board, plunder and break up a ship that is merely stranded and even take human life in their passion for gain. The shipping interests are generally represented by people from other provinces who shrink from legal proceedings. The result is that such cases are, for the most part, not reported, and, when they are, the authorities pass them over without making too close an inquiry. In course of time the habit has developed into an established custom and wrecking has become a recognized profession. So bad is it that vessels which have been disabled do not venture to approach the shore and become total wrecks in consequence. The

ever

cul is one which is common to all the islands along the coast, but, owing to the dangers of the navigation, the Shantung promontory has obtained a special notoriety for wrecking.

In 1876 the Tsung-li Yamen drew up, under Imperial sanction, a set of rules for the protection of distressed ships, whether Chinese or foreign, a copy of which was sent to Shantung and embodied in regulations issued, under the instructions of the then Governor, Ting Pao-chen, by all the local authorities along the coast.

The rules in question were very complete and exhaustive but they were not efficiently carried out and, in course of time, they came to be regarded merely as waste paper. It is extremely desirable that they should again be promulgated and that the whole matter should be put on

a

a proper footing. The Taotai has, accordingly, in compliance with the Governor's instructions, drawn up a new code of rules in six clauses based upon the old ones issued by the Yamên, with such modifications and additions as the lapse of time and local circumstances seemed to require. The new rules have been examined and approved by H. E. Li Hung Chang, who joins the memorialist in submitting them to the Throne for the Imperial sanction. A copy has ~~been~~, at the same time, been forwarded to the Tsung-li Yamên and to the Board concerned.

A Rescript appended to this memorial directs the Yamên concerned "to take note".

Abstract of Rules drawn up for the protection and salvage of vessels on the coast of Shantung.*

I.

*The enclosure to the above memorial did not ar in the Gazette but was subsequently ished by the native press in Shanghai and ntrin-

I. Division of the coast line into sections for the purpose of defining responsibility.

The islands along the coast lie so thickly dotted about and so closely interlaced that, unless boundary lines are closely determined, responsibility can be readily evaded. It will, therefore, devolve upon the Taotai at Chefoo to send a commission composed of competent officers to fix, in concert with the civic and military authorities, the limits of their respective jurisdictions. Each section shall comprise a distance of 10 li and shall contain a station in charge of one marine officer and two superintendents, all of whom shall be recommended and vouched for by the respectable people of the neighborhood and also by the authorities of their respective districts. A flag pole will be erected in front of each

station

station which will fly a flag by day and show a lamp at night as signals for the benefit of ships in distress. All the boats in each section will be marked and numbered and a list of them and of the names of their owners will be registered in a book kept for the purpose. Each boat will be furnished with a certificate bearing an official seal and containing a copy of these regulations. When their services are required each boat will, during the day, be furnished with a flag bearing a device to the effect that it is to protect merchant ships and strictly prohibit plunder. By night each boat will exhibit a light as a signal to vessels in distress. Ships, Chinese and foreign alike, which have struck upon a rock gone ashore, or met with any other casualty should fly a

flag

flag by day and exhibit a lamp by night as a sign that they require assistance. On seeing such a signal the people and fishermen in the neighborhood should go at once and report the fact to the nearest station. The latter will then despatch boats to the rescue and will send messengers to report to the civil and military authorities. Should the vessel in distress be a large one and the boats in the district be insufficient for purposes of rescue then the authorities may apply for assistance to a neighboring station, but, under ordinary circumstances no station can interfere beyond it's jurisdiction. When the civil and military authorities receive information of a casualty, they shall proceed to the spot with a force of soldiers to afford protection.

The

The coast along the Tung-Ch'êng district presents such dangers to navigation and is so distant from the provincial capital that there is difficulty in exercising adequate control over it. The Taotai at Chefoo has, therefore, been empowered to establish a Head Protection Office in the very centre of it in charge of a deputy and one or two respectable members of the gentry to whom all the other stations shall send their reports. The salary of the deputy and the other expenses of the office shall be defrayed from the expenditure fund of the Foreign Customs and the scale of rewards and fines shall, after each occurrence be determined by the deputy in consultation with the magistrate of the district.

II.

Rewards and penalties

prescribed

prescribed as a means of preventing evasion of duty.

The Taotai at Chefoo will be made responsible for furnishing detailed reports of all cases in which ships have been rescued or cargo salved under these rules by the civil or military authorities along the coast. Occupants of inferior posts who have rendered good service will receive better appointments and those whose posts are good will be recommended for promotion to a higher grade in the service. Short-comings will be punished by marks being placed against the offender's name on the official record or by his removal from office according to the degree of their gravity. The prevalence of wrecking on the Shantung promontory adds greatly to the difficulty of the lack of affording sufficient protection to ships. Officers,

Therefore

therefore, holding substantive appointments, within whose jurisdiction no case of wrecking shall occur for a period of three years, will be transferred to better appointments, and acting officers, whose jurisdiction may be exempt from such cases for one year will receive one term of a good acting appointment. The superintendents of the stations, who may be reported by the local authorities as having done really good service, will, on the first occasion of the kind, be entitled to apply for buttons and honorary tablets and on the third occasion will be advanced to official positions. Cases of neglect of duty will be punished by removal from office or a slight fine. Should the superintendents of stations be found to be implicated in acts of plunder they shall be dealt with as principals in

the

the crime. Persons who are the first to give information to a station of a ship being in danger shall be entitled to the first place in the order of merit. This reward, in the case of a large ship, shall be as high as Tls 30 and in the case of a small one shall be limited to Tls 10. If the Captain has no means of defraying the amount it shall be paid out of the funds of the office and if these are insufficient it will be advanced by the local authorities to be repaid to them by the Taotai at Chefoo.

III. Rules laid down to prevent confusion.

The accidents which befal vessels in distress are of various kinds and of different degrees of gravity. Vessels that are merely leaky and whose cargoes admit of being salved should fly a white flag during the day

and

and exhibit two red lamps by night, on seeing which the nearest station will send off one or two boats with all speed to make enquiries. They will not be allowed to board the vessel or to cause her any inconvenience. If the Captain wishes to have the cargo removed he will be at liberty to make use of as many of the boats as he pleases for the purpose. The station will send men to take charge of it and, when the work is completed, the Captain of the vessel and the superintendents of the station will decide upon a fair and equitable remuneration for the work, which at most must not exceed a fourth of the value of the cargo saved. If the Captain does not wish to have the cargo removed and the boat people swarming on board proceed to do so without authority it will devolve upon

the

the local authorities to have them arrested and severely punished.

Should a vessel have sustained serious damage and be in imminent danger, she will, if it be day time, fly a black flag and will, if it is night exhibit two green lights, on seeing which the office will send off with all speed a number of boats to her rescue. It will be for the master to indicate whether the safety of the ship, the cargo or the crew should be first attended to. The salvors will not proceed to act of their own motion. Should any of the cargo that has been sent ashore be removed elsewhere or stowed away in hiding, the depredators will, on discovery, be obliged to restore the plunder and be punished for the crime of taking advantage of danger to commit robbery. Ruffians who, in their passion for gain, take human

life

life or break up vessels in distress, will be immediately bound and forwarded by the superintendents of the stations to the local authorities for punishment. Should the superintendents be found to have been in collusion with such persons, they two will be arrested and placed in confinement. Persons who bring false accusations will take the place of the accused.

IV. Award of gratuities as an encouragement to exertion.

All property salved must first be inspected by the local authorities and, in the event of the property being foreign, its salvage must also be reported to the nearest Consul who will examine it in conjunction with the local officials. An estimate having been made of it's value a certain portion thereof shall be appropriated for rewarding the

salvors

salvors. The amount shall be determined by the value of the property saved and the difficulty experienced in it's salvage. The rewards shall be divided into the following four classes: Where the work of salvage has been difficult but the amount of the property recovered is small, one third of it shall be apportioned as the reward of the salvors. Where the salvage is difficult and the amount of the property large, or where the amount is small and the salvage easy, the reward shall be one fifth. If the property has been under water and has been rescued at the risk of life the salvor shall be assigned two thirds of it as a reward for his services the other third remaining the property of the Captain. The superintendents of the stations shall furnish the local authorities with lists

of

of all the rewards assigned for salvage services.

As stations have to be established and their staffs cannot perform their duties without some means of support one tenth of the above rewards shall be appropriated for their maintenance. In saving life also the difficulty or easiness with which it has been effected will be taken into account in determining the reward. Hs 5 will be given in the one case and Hs 10 in the other. If the individual himself has no means, the amount will be advanced in the first instance by the local authorities to be reimbursed to them by the Taotai at Cheefoo from the expenditure fund of the Foreign Customs.

If only cargo and no people have been rescued a report should be sent to the nearest local authority

as

as also to the Consul who will together decide upon a fair amount of reward. In the case of the rescue of individuals and no property they must, whether they be Chinese or foreign, be provided in the first instance with food and clothing and sent to the nearest local authority or Consul who will provide them with a passage or an escort, as the case may be, and funds to take them to their native place. In the case of foreigners who have no Consuls to take charge of them a report will be sent to the Trade Committee who will provide them with funds to enable them to return to their own country. When, owing to the roughness of the sea and the fury of the elements, or the fact that the casualty occurred in mid-ocean, human help is of no avail, everyone must submit to the

Will

Will of Heaven and reckless charges of negligence must not be indulged in.

V.-

Notices to be widely posted by way of encouragement and warning.

The ignorant people along the coast, not knowing that they will be rewarded if they rescue vessels and be punished if they fail to do so, maintain an attitude of indifference and occasionally even go to the length of plundering vessels when they are wrecked. It is essential, therefore, that these regulations should be drawn up in a printed form and that a copy should be supplied to every boatman and resident along the coast. A register of the names of the persons to whom such documents have been issued will be kept at each

station

station and when a casualty occurs flags, lamps etc will be issued to holders of these certificates and to no one else. The certificates will be sealed by the Taotai and countersealed by the magistrate and the superintendents of the stations. This will teach the people the importance which the authorities attach to the work of protection and may prevent them from again transgressing the law. Henceforth district officers will be bound within a space of five days from the time of the occurrence to forward periodical reports to the Taotai or Prefect of all casualties happening within their districts stating whether rescues have been effected or not, whether rewards have been granted under these regulations, whether plunder has been committed and whether any charges have been made by

the

the Captain or other persons. Forms for filling up these reports will be issued by the Taotai and concealments or omissions will be punished.

VI Reinforcement of the naval force with a view to securing adequate protection.

The custom of wrecking has become so deeply ingrained in the natives of Fung-Ch'êng that the ordinary military establishments are quite unable to suppress it. There are four war-junks in Teng-chow and Fung-Ch'êng. These will be placed in command of the Major of the Le-Ch'êng battalion and, with the two vessels at present under his control, will be divided into two squadrons, one stationed on the island of Mo-ya to watch the S.E. section of the coast and the other at Lung-hsii to guard the N.E.,

both

both being in readiness to proceed wherever a call is made upon their services. Ch'êng-Shan and Mo-ya island are both already provided with lookout men. In the Tung-ch'êng district there are twelve rocky islets on each of which a lookout man will be stationed in charge of lamps flags and other appliances.

DEPARTMENT OF STATE
SEP 20 1888
RECEIVED.

No 683. One Enclosure

Legation of the United States.
Peking, August 7th, 1888.

Mr. Charles Denby
to the
Secretary of State

Subject
Transmitting duplicate account for Repairs to Legation premises for quarter ending June 30th, 1888.

No 683 One Enclosure.

Legation of the United States.

Peking, August 7th, 1888.

Honorable Thomas F. Bayard.

Secretary of State

Washington.

Sir:—

I have the honor to hand you enclosed, a duplicate
83 statement of the Repairs Account of this Legation for the quarter ending the 30th of June 1888.

I have the honor to be,

Sir,

Your obedient servant

Charles Denby

Enclosure 1.

Duplicate statement as above.

DEPARTMENT OF STATE
SEP 20 1888
RECEIVED.

No 684 One Enclosure

Legation of the United States
Peking, August 7th, 1888.

Mr. Charles Denby
to the
Secretary of State

Subject
Transmitting duplicate account for Contingent Expenses for Quarter Ending June 30th, 1888.

— .. —

No 684. One Enclosure.

Legation of the United States.

Peking, August 7th, 1888.

Honorable Thomas F. Bayard.

Secretary of State

Washington.

Sir:—

I have the honor to hand you enclosed a duplicate statement of my account for Contingent Expenses for the quarter Ending June 30th 1888.

I have the honor to be,

Sir,

Your Obedient Servant

Charles Denby

Enclosure 1. Duplicate statement as above.

684.

DIPLOMATIC BUREAU.

DEPARTMENT OF STATE
OCT 8 1888
RECEIVED

2D ASSISTANT SECRETARY.
OCT 8 1888

No 685 Ack. as interesting. Dup to Oct 10. Cud Co
be printed in forthcoming F.R. 1888. ogs

Legation of the United States.

Peking August 12th 1888.

Mr. Denby to the

Secretary of State.

Subject.

Some observations on certain questions of Chinese law

PRINTED
FOREIGN RELATIONS
1888

No. 685.

Legation of the United States.
Peking August 12th 1888.

To the Honorable
Thomas F. Bayard
Secretary of State
Washington, D.C.

Sir:

I have the honor to make, herein, some observations on certain questions of Chinese law. I receive frequent letters touching these subjects. Possibly the subjoined abstract may serve the purpose of my correspondents.

Descents:

Primogeniture does not exist

exist except that there is hereditary succession of certain ranks and dignities. The persons inheriting the family property are all the sons, whether born of the principal or inferior wives. Division is made by stirps — the grandsons taking the fathers share. Daughters do not inherit. If they are married they get nothing; unmarried a sum is provided for their marriage expenses. The unmarried daughters remain with the eldest son. For this reason his share is sometimes larger than that of his brother. If there are no male heirs, and

no

no successor has been adopted, the daughters divide the inheritance. In default of lineal heirs, collaterals inherit. An estate is not forfeited to the government as long as any relatives of the decedent remain. Collaterals so inheriting are bound to the worship of ancestors and taking care of the family tomb.

Wills

The system of bequeathing property by will does not generally exist. Wills are sometimes made by wealthy persons in order to save litigation and are acquiesced in

in by the heirs. But the law provides what disposition shall be made of the property of a decedent.

There is no fixed form for wills. The signature of a testator to a written will would be sufficient. The wishes of the testator may be verbally expressed to the family.

A will made in a foreign country is held good in China as to property there situate belonging to foreigners.

Probate Courts

Probate Courts do not exist in China. Documents devising property are retained by the legal heirs.

Ownership

Ownership of Land.

Theoretically the land belongs to the Emperor. Practically the holder has all the rights of conveyance and mortgage which exist elsewhere. There have been cases where the Government has taken property without compensation; but ordinarily an assessed valuation is paid when land is taken for public use.

The land tax is one of the most important taxes. If that is regularly paid the owner is secure in his possession.

Conveyances.

On the sale of land the old deeds are transferred to

the

the purchaser. A new deed is made which is acknowledged and sealed by the magistrate of the district who keeps a record of the transfer.

Leases are in writing.

Marriages.

No marriage certificate issues. Section 101 of the code contains minute rules as to the contraction of marriage. The first, or principal, wife, is usually chosen for the husband by his parents or senior relations. She is supposed to be his equal in rank. She acquires all the rights and privileges which in Asiatic nations appertain to a wife. She cannot hold

separate /a/

a separate property free of her husband's control.

Other wives may afterwards be taken as the man pleases, with few ceremonies and without regard to rank. The secondary wives are subordinate to the first wife, but equal among themselves. They are called inferior wives and not concubines. Their children are legitimate. There is no limit to the number of secondary wives.

Majority of Infants

Practically during the lifetime of the parents they control the child at pleasure.

Naturalization

There

There is no law on the subject, but in practice foreigners may place themselves under the protection of Chinese law.

Courts of Justice

The lowest court is that of the District Magistrate. The next is that of the Prefect. The third that of the Taotai. The fourth the Provincial Judge.

Appeal is allowed from a lower to a higher court, from district to department. It is sometimes allowed to the Governor and the Governor-General and then to Peking. The magistrate is called "the parent of the people".

Attorneys

Attorneys are not employed in legal proceedings.

The highest court in the empire is the Ksing Pu, or Tribunal of Punishments. The Emperor very rarely overrules it's decisions.

There are separate judicial tribunals for the members of the Banner Corps, the Imperial Clan, and the Imperial Household.

There is also a Grand Court of Revision which exercises general supervision over the administration of the law.

It is scarcely necessary to remark that, under the treaties with China, the foreign powers

administer

administer their own laws in the Consular Courts. The nationality of the defendant determines the jurisdiction of the Consul. A person is sued before and tried by his own Consul and according to the law of his own land.

In what I have written I have given the law as affecting Chinese only.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

DIPLOMATIC BUREAU.

DEPARTMENT OF STATE
OCT 8 1888
RECEIVED.

No 686

Legation of the United States.

Peking August 16th 1888.

2D ASSISTANT SECRETARY
Ack. by Number and File.
OCT 8 1888

Mr. Denby to the

Secretary of State.

cp. A R 18

Subject

March 4th 1889 selected for the

assumption of Government by the

Emperor.

No 686.

Legation of the United States.

Peking August 16th 1888.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D. C.

PRINTED
FOREIGN RELATIONS
1888

Sir:

I have the honor to state that the Imperial Board of Astronomy has reported that the third day of the second month of next year (March 4th 1889) is an auspicious day for the assumption of government by the Emperor in person.

That day has accordingly been fixed by Imperial Decree

for

for this ceremony.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

DIPLOMATIC BUREAU.

DEPARTMENT OF STATE
OCT 8 1888
RECEIVED.

No 687.

2D ASSISTANT SECRETARY.
Ack. by Number and File.
OCT 8 1888

Legation of the United States
Peking, August 16th, 1888.

Mr. Charles Denby
to the
Secretary of State

Subject.
Acknowledging despatch
No 331 of July 3d 1888.

No 687.

Legation of the United States.

Peking, August 16th, 1888.

Honorable Thomas F. Bayard
Secretary of State
Washington.

Sir:—

I have the honor to acknowledge the receipt of your dispatch numbered 331, of date the 3d of July, 1888, and note that the confidential instruction of March 17th, 1888, relative to the recent Treaty prohibiting Chinese emigration should have been numbered 295.

I have made the correction on the Register of Correspondence in this Legation.

I have the honor to be, Sir,
Your obedient Servant
Charles Denby

DIPLOMATIC BUREAU.

DEPARTMENT OF STATE
OCT 8 1888
RECEIVED.

No 688.

Legation of the United States
Peking August 16th, 1888.
Ackd Oct 9 88 Cuffe

2D ASSISTANT SECRETARY.
Ack'd suitably. Correction made.
OCT 8 1888

Mr Charles Denby
to the
Secretary of State.

Subject
Acknowledging despatch
No 332 of July 3d 1888.

No. 688.

Legation of the United States.

Peking, August 16th, 1888.

Honorable Thomas F. Bayard,

Secretary of State

Washington.

Sir:—

I have the honor to acknowledge the receipt of your despatch numbered 332, of date the 3d of July 1888.

My despatch dated May 1st 1888, relative to the China Railway Company, is numbered in the Legation Register 637. The Register also shows, that as you state, there are two despatches numbered 632. The second, relating to "Agriculture in North China." I have attended to 632d.

Regretting that these mistakes

showed

should have occurred.

I have the honor to be,

Sir,

Your obedient servant

Charles Denby

Dep Burg

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DEPARTMENT OF STATE
OCT 8 1888
RECEIVED.

2d ASSISTANT SECRETARY.
Acked Oct 9 Ans 66
OCT 8 1888

No 689

Legation of the United States.

Peking, August 20th 1888.

Mr. Denby to the

Secretary of State.

Subject.

Contemplated British occupation

of Tibet.

Confidential.

No 689.

Legation of the United States.

Peking August 20th 1888.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

You are aware that for some time the opposing Tibetan and British forces have been facing each other in inactivity on the frontiers of Tibet. This condition of quasi truce has been maintained in order to enable the British Government to procure an order from the Emperor of China to the Tibetans

for

for the arrangement of the difficulties between British India and Tibet as to a trade route through the latter country. I learn that the British Minister here has made strenuous efforts to induce the Chinese Government to come to a conclusion favorable to British interests. Lately he has represented that things cannot remain in <u>statu quo</u>, that winter is approaching, provisions are difficult of procurement, and that the British troops cannot longer be kept inactive but must either advance or retreat. The Yamên had given the Minister to believe that the matter would be settled. But, in the last few

days

days, the British Minister had an interview with the Yamēn, wherein the Yamēn expressed its inability to control the Grand Llama and again demanded delay. The British Minister stated that longer delay was impossible and that the British troops would be ordered to advance and occupy Tibet. He stated, however, that this occupation would be only temporary and that the country would be abandoned when the objects of the expedition had been accomplished.

It remains to be seen whether this pledge will be kept.

It is suspected in Diplomatic

Circles

Circles here that China is unable to control Tibet and that information of the intention of Tibet, to continue its resistance to the British, has already reached the Yamên.

The British Minister also had an interview with the Yamên relating to the proposed exclusion treaty for Australia, but I have not been able to learn whether any definite result was reached. I hope that British claims to a treaty similar to ours will not affect the ratification of the late treaty.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

DEPARTMENT OF STATE
OCT 8 1888
RECEIVED.

No 690.

Legation of the United States.

2D ASSISTANT SECRETARY.
To War Dept
Ack accordingly
OCT 8 1888

Peking August 22nd 1888.

Rec'd 11 88 Pub'd
Oct 11 88 Cir'd

Mr. Denby to the

Secretary of State.

Cf. F.R. 1888

PRINTED
FOREIGN RELATIONS
1888

Subject.

The overflow of the Yellow River

Synopsis.

Efforts to repair breach described
Destruction of work total. Punishment
of officials. Plans for repairs.

No 690.

Legation of the United States.

Peking, August 22nd 1888.

To the Honorable

Thomas F. Bayard

Secretary of State,

Washington, D.C.

Sir:

The information has reached Peking that the whole of the new embankment made at Chêng Chou, on the Yellow River has been carried away. The cost of this work was nine millions of taels, and this sum has been wasted. Eight thousand lineal feet of river-wall had been completed; not an inch

remains

remains. It is reported that a thousand labrers were drowned by the latest flood — only a few days ago.

By a late decree the Emperor degrades the Director General of the Yellow River, Li Kung Tao and several of his subordinates, and punishes nearly everyone connected with the work. The workmen, 80,000 in number, are to be paid off and dispersed, and the work is suspended for the present.

Omit [The whole proceeding is characteristic of the Chinese Government.] There are no native engineers worthy of the name, and pride prevented the employment

of

of foreign engineers. The methods used to repair the breach were piling and then raising a structure of cushions of millet stalks with mud in rice sacks. The action of the water has created a basin sixty feet deep around the breach and it is impossible, with the means used, to close it. It is known that the water of the Yellow River is encumbered with silt and, being unable to cut a way to the sea, the banks for hundreds of miles are in danger.

It is contended by competent foreign engineers that no merely local reparation of the banks will accomplish any good

results

results. They claim that, in existing conditions, the river-bed will rise continually and the banks must be continually raised and that breaks will occur at weak spots in spite of all local work. They propose many schemes such as the creation of vast lakes as reservoirs, in which to store the surplus water, and canals to divert it. But there has never been a scientific survey made and the Chinese Government has no plan except to repair the banks in the manner stated. It naturally fell back on the system of punishing the officials, who are probably entirely

innocent

innocent of negligence.]

Honan, one of the most valuable provinces, which has always filled an important part in Chinese history, is ruined. Should relief ever come to it, it will probably be found that the sand has destroyed the soil for agricultural purposes. This has been the effect in certain overflowed districts in Shantung. The province of Anhui is nearly submerged. The cities and villages in these provinces are tenantless and the people are drowned or scattered. Other damages are apparent. The silt-laden waters of the Yellow River now entering the Yangtze will,

it

it is feared create shoals and destroy the navigation of that great stream.

China does not want for a host of advisers. It is said that five hundred different plans have been submitted to prevent overflows. Every newspaper teems with contributions to this species of information. Every syndicate has it's engineers ready with a plan of action. But from time immemorial China has enjoyed this "sorrow" and she does not seem willing to adopt radical measures of treatment.

Meantime the Yellow River must, for the present, keep it's new course. It would seem

to

to be the best plan to allow it unmolested to continue it's present route until some radical measure of restraining it shall have been adopted.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

DIPLOMATIC BUREAU.

DEPARTMENT OF STATE
OCT 8 1888
RECEIVED.

No 691.

Legation of the United States.

Peking August 24th 1888.

ASSISTANT SECRETARY.
Number and File.
OCT 8 1888

Mr. Denby to the

Secretary of State.

PRINTED
FOREIGN RELATIONS
1888

Subject.

The probable settlement of the Chinanfu troubles.

One enclosure.

No. 691

Legation of the United States.

Peking August 24th 1888.

To the Honorable.

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor to enclose herewith a copy of a letter received from Rev. Gilbert Reid. It will be seen that the Chinese troubles are in process of settlement.

These troubles have been the nightmare of the newspapers for a year and more. [I have had to deal with impracticables on both sides. But] I am sincerely glad

omit

glad that time seems likely to vindicate my judgement and conduct and that my fellow-citizens — if they do not ask too much — will succeed in their wishes.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosure

1. Mr. Reid's letter of 2nd. inst.

Mis. No 44/1888.

Enclosure 1 in No 691.

Copy
Mins No 44/88

Chinanfu August 2nd 1888.

To H.E. the United States Minister,

Hon. and Dear Sir:

It gives me great pleasure to write you that your despatch to the Nung-li Yamên in June last proved a most opportune assistance. The Yamên's order to the Governor, referring to your despatch, instructed the local authorities to see and consult with me, and to effect an exchange of property. After various attempts to induce me to consult with certain Deputies specially appointed, or to ask for an interview, the acting Taotai sent his card, requesting me to appoint a time for an interview at his Yamên.

At the conference, thus secured, there was present the Taotai himself supported by the Prefect, Magistrate and the two deputies. The three main points of consultation were

1st

1st possession of property, 2nd punishment of the guilty parties who instigated the riot, 3rd some form of compensation for the insults and injuries received. These points along with the matter of seeing the Governor at some proper time, are to be referred to the Governor and on receipt of instructions the Taotai will give me a reply. I, in turn, will inform the Legation.

It is the desire of the officials to postpone the matter, till after the great examination in September. The reply of the Taotai will give particulars.

I remain, Sir,

Yours truly,

(signed) Gilbert Reid.

DIPLOMATIC BUREAU.

DEPARTMENT OF STATE
OCT 15 1888
RECEIVED.

No 692.

Legation of the United States.

Peking, August 30th 1888.

2D ASSISTANT SECRETARY.
Ack. by Number and File.
OCT 15 1888

Mr. Denby to the
Secretary of State.

Subject.

Acknowledging despatches received.

No 692.

Legation of the United States.

Peking August 30th 1888.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of your despatches as follows:

No 333 of July 17th,

" 334 " " 18th,

" 335, 336 and 337 of July 23rd,

" 338 and 339 of July 25th.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

DIPLOMATIC BUREAU.
23

DEPARTMENT OF STATE
OCT 22 1888
RECEIVED.

No 693.

Legation of the United States.

Peking, September 2nd 1888.

2D ASSISTANT SECRETARY.
Ack. by Number and File.
OCT 22 1888

Mr. Denby to the

Secretary of State.

Subject.

Revd Gilbert Reid's correspondence with the Department.

C

No. 693.

Legation of the United States.

Peking, September 2nd. 1888.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D. C.

Sir:

In view of your complete answer to Rev. Gilbert Reid, contained in your despatch No. 333 of July 17th, it would seem strictly unnecessary that I should do more than acknowledge the receipt of your despatch.

It may become necessary in the future for me to give you some information touching Mr. Reid,

but

but I trust that the Chinanfu troubles will be settled and that he will for a time disappear from the archives of this Legation and the public press.

It is just such litigious and annoying gentlemen as he who embarrass diplomatic work. He insists on raising, on all occasions, the very question, as to the right of settlement in the interior, which he advises you not to touch.

His letter to you is the most sensible thing I have seen from him. It advises exactly the policy that I have pursued over his most annoying and intemperate objections. My communications to the Yamen are all before you.

Dr

In them no word will be found discussing pro or con the right of missionaries to settle permanently in the interior. I have left well enough alone. As the missionaries do, in fact, mostly go where they please, I have been content with the actual status. I have preferred to rely on usage, custom, precedent, which will ultimately crystalize into actual law. I have, it is true, in private conversation, expressed the opinion which is in accordance with the uniform views of all the Secretaries of State and all my predecessors, that, under the treaties, the right of permanent settlement in the interior, at will and

pleasure

pleasure, and without conditions, does not exist for missionaries any more than for other classes. This view is almost universally accepted in theory by the missionaries. They generally admit, in view of the circumstances which surround their unpopular work, that the policy of quiet encroachment is better than the open, noisy, violent assertion of a doubtful right which Mr. Reid indulges in.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Dep't Bureau
23

DEPARTMENT OF STATE
OCT 22 1888
RECEIVED

No 694.

Legation of the United States.

Peking, September 4th 1888.

Mr. Denby to the

Secretary of State.

Subject.

Right of foreigners to erect a cotton-gin in China denied by Li Hung-Chang.

DIPLOMATIC BUREAU.
Acknl'd by subject
await further developments.
OCT 25 1888 Oct 24 AAS
Cirtr

No 694.

Legation of the United States.

Peking, September 4th 1888.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D. C.

Sir:

I have the honor to bring to your attention, as matter of current interest, that Li Hung Chang, Superintendent of Northern Trade, lately ordered the Taotai of Shanghai to prohibit an English house from erecting a cotton ginning machine in that city.

The alleged ground for this prohibition

prohibition was that under the treaties foreigners could not manufacture raw material in China.

It was proposed that the Ministers should again take up the discussion of this question which had been ineffectually argued with the Yamên a few years ago. On my suggestion it was decided that the British Minister should first present the subject to the Yamên, making the claim that cotton-ginning was not a transformation of the raw material into new material, but was simply its preparation for use, and therefore, could not be properly classed as

a

as a manufacture. If this presentation failed then the Ministers could decide whether the general right to manufacture in China would be insisted on.

It is proper to note that the fear that, under the operation of the House bill reducing the tariff, which is so largely expressed in the United States, the manufacture of any article will be transfered to China on account of low wages here, is illusory. It is not probable that China will ever consent that foreigners may establish manufactures in her limits. Nor is it by any means certain that the Great Powers will find

it

it to their interest to press a claim of right to do so.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

DIPLOMATIC BUREAU.

DEPARTMENT OF STATE
OCT 22 1888
RECEIVED.

No. 695.

Legation of the United States.

Peking September 4th 1888.

2D ASSISTANT SECRETARY
Ack. by Number and File
OCT 22 1888

Mr. Denby to the

Secretary of State.

Subject.

Estimate of the population of China.

One enclosure.

No 695.

Legation of the United States.

Peking September 4th 1888.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I enclose herewith an estimate of the population of China prepared by P. S. Popoff. Esq., Interpreter of the Russian Legation.

As to the chief provinces he derived his information from officiae sources.

He makes no estimate of the population of Manchuria.

Other

Other authorities place the population of that country at 12,000,000 which Mr. Popoff thinks excessive.

Sin Kiang, the 19th Province of China, is supposed to contain 1,238,583 souls.

The figures so submitted show a total population of 395,317,443. Other sinologues dispute the accuracy of these figures — some making the total greater and some less.

It is impossible to arrive at perfectly accurate results, but it must be said that Mr. Popoff has devoted much time and study to the subject.

I ~~have the~~ honor to be, Sir,
Your obedient servant,
Charles Denby

Enclosure.
1. Clipping from Journal Peking Oriental Soc. Vol II No 3

The names of the provinces	Population of the census of 1842	Population of the census of 1879	Population of the census of 1882	Difference compared with the census of 1842	Area in English square miles	Aver population to a square mile
Shan-tung	29.529.877		36.247.835	+ 6.717.958	65.104	557
Shan-si	17.056.925		12.211.453	— 4.845.472	56.268	221
Ho-nan	29.069.771		22.115.827	— 6.953.944	65.104	340
Kiang-su	39.646.924		20.905.171	— 18.741.753	44.500	470
Kiang-si	26.513.889		24.534.118	— 1.979.771	72.176	340
Che-kiang	30.437.974		11.588.692	— 18.849.282	39.150	296
Hu-peh	28.584.564		33.365.005	+ 4.780.441	70.450	473
Hu-nan	20.048.969		21.002.604	+ 953.635	74 320	282
Sz'-chwen	22.256.964		67.712.897	+ 45.455.933	166.800	406
Kwang-tung	21.152.603		29.706.249	+ 8 553.646	79·456	377
Yun-nan	5.823.670	11.721.576		+ 5.897.906	107.969	108
Kwei-cheu	5.679.128	7.669·181		+ 1.990.053	64.554	118
Shen-si	10.309.769	8.432.193	51.171.138	— 1.877.576	67.400	126
Kan-su	19.512.716	5.411.188		— 14.101.528	86.608	62
Chi-li	36.879.838	17.937.000		— 18.942.838	58.949	304
Ngan-hwei	36.596.988	20.596.988		— 16.000.000	48.461	425
Kwang-si	8.121.327	5.121.327	51.517.871	— 3.000.000	78.250	65
Fu-kien	25.799.556	25.799.556			53.480	482
Total	413.021.452		382.078.860	— 30.942.592	1.297.999	234

"U.S. Legation to China" Received

TELEGRAM ~~SENT~~.

Cipher.

Department of State,

Kings,
Sept 5, 1888

Washington, Sept 3rd, 1888

PRINTED
FOREIGN RELATIONS
1888

Bayard
Secretary
Washington.

Believe Treaty rejected.— Demanded
itive information from Foreign Office a
w days since. No information has been
ived.

Denby.

188 , M.

Operator.

DIPLOMATIC BUREAU.

DEPARTMENT OF STATE
OCT 22 1888
RECEIVED.

No 696.

Legation of the United States.

Peking, September 5th 1888.

2d ASSISTANT SECRETARY.
Ack. by Number and File.
OCT 22 1888

Mr. Denby to the
Secretary of State.

Subject.

Telegrams, re rumored rejection of treaty, confirmed.

No 696.

Legation of the United States.

Peking, September 5th 1888.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of your cipher telegram of the 4th instant as follows:

"Denby, Minister, Peking,

Rejection of the treaty is reported here, what information have you?

Bayard".

A report having reached me that the treaty had been rejected,

I

I have, for some days, endeavored in vain to procure, from the Yamên a definite statement of the fact. I thought it unwise to telegraph on a mere report.

I answered your despatch as follows:

"Bayard, Washington,

Believe Treaty rejected. Demanded positive information from Foreign Office a few days since. No information has been received.

Denby"

I will telegraph Yamên's answer to my repeated enquiries as soon as I receive it.

I have the honor to be, Sir,

Your obedient servant,

Charles Denby

"U.S. Legation to China" Received

TELEGRAM ~~SENT~~

Cipher.

Department of State,

Washington, Sept 6th, 1888

Bayard
Secretary
Washington.

PRINTED.
FOREIGN RELATIONS
1888

Treaty postponed for further deliberation.—

Denby.—

188 , M.

Operator.

DIPLOMATIC BUREAU.

DEPARTMENT OF STATE
OCT 22 1888
RECEIVED.

No 697.

Legation of the United States.

2D ASSISTANT SECRETARY.
Ack by subject
and file aaa
OCT 22 1888

Peking September 6th 1888.

Oct 24. Cutler

Mr. Denby to the

Secretary of State.

Subject.

Date of Emperor's marriage.

5

5n

No 697.

Legation of the United States.

Peking, September 6th 1888.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor to advise you that the Peking Gazette of the 3rd instant, announces the selection of February 26th 1889 as the day for the marriage of His Majesty the Emperor.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

MR. FORD

DEPARTMENT OF STATE
OCT 22 1888
RECEIVED

No 698.

Legation of the United States.

Peking, September 6th 1888.

Mr. Denby to the

Secretary of State.

Subject.

Forwards Customs-Gazette.

No 698.

Legation of the United States.

Peking, September 6th 1888.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor to forward by this mail, under seperate cover, two copies of the Customs Gazette, Statistical Series No 2, being the returns of trade for the quarter April - June 1888.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

DIPLOMATIC BUREAU.

DEPARTMENT OF STATE
OCT 22 1888
RECEIVED

No 699.

Legation of the United States.

Peking, September 6th 1888.

2D ASSISTANT SECRETARY
Ack. by Number and File.
OCT 23 1888

Mr. Denby to the

Secretary of State.

Subject.

Ratification of treaty postponed.

No 699.

Legation of the United States.

Peking September 6th 1888.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor to confirm my cipher despatch of this date as follows:

"Bayard, Washington, Ratification postponed for further deliberation,

Denby."

This despatch was based on the answer of the Yamên to my demands for information sent

several

several days ago. An exact translation of the language of the Yamên is the following: "This new treaty now agreed "upon seems to differ materially "from the supplementary treaty "of the 6th year of Kuang Hsü "(1880) and there are certain "points requiring further deliberation. "For this reason it is impossible "for it to be at once ratified."

Of course this statement is a mere sham and subterfuge. That the new treaty differs from the old one is true. If it did not its adoption would be superfluous. But the new treaty literally follows the suggestions of the Yamên which are contained

in

in the enclosure to my despatch No 187; of Aug 4th 1886: The Chinese Government therein proposes "to consider a plan for adopting prohibitory measures itself." The plan suggested is.

First; Chinese laborers who have never visited the United States shall be strenuously prohibited from proceeding thither,

Second, Chinese laborers who have returned to China from the United States; and have no families, valuables; or property there, shall be prohibited from returning to the United States.

So much in earnest was the Yamen that it made an effort to enlist the Government;

of

of Great Britain in the operation of the plan suggested.

In conversation with me the Marquiss Heng states that the Senate amendments changed somewhat the character of the treaty; that a riot had taken place at Canton on account of it; that the Cantonese had protested against its ratification.

These excuses are shams and subterfuges. The opposition of the people always furnishes a convenient excuse for not doing what the Government does not wish to do. This opposition is ruthlessly brushed aside in the execution of any scheme that the Government favors. It so

happened

happened in the case of the telegraph and the Tientsin Railway.

I intimated to you in my dispatch No. 689, of August 20th 1888, that the claim of Great Britain, that an exclusion treaty for Australia should be adopted, might affect the ratification of the late treaty.

A false notice of the rejection of our treaty was permitted to go out to the world in order to produce a diversion in Great Britain. Such a policy is peculiarly Chinese. I do not hesitate to say that the conduct of China in this matter is fraudulent. She denies to us the consummation of a treaty

which

which she herself proposed because of the fear that other people will claim similar rights. In my opinion she should be signally rebuked. She should be distinctly notified that rigorous legislation resulting in absolute exclusion of Chinese laborers will be resorted to if she now fails to keep her plighted faith.

Though I am very much inclined to take up this subject and to present it forcibly to the Yamēn. I hesitate to take action without instructions from you. I have determined to wait for advices, especially because I have never had any

instructions

instructions touching the making or the ratification of the new treaty. I might embarrass your policy at home.

You are in poisession of the material facts and I shall effect your orders as to my conduct.

I have the honor to be,

Sir,

Your obedient servant,

Charles Derby

DIPLOMATIC BUREAU.

DEPARTMENT OF STATE
OCT 22 1888
RECEIVED

No 700.

Legation of the United States.

Peking September 11th 1888.

2D ASSISTANT SECRETARY.
Ack. by Number and File.
OCT 22 1888

Mr. Denby to the

Secretary of State.

Subject.

Acknowledging despatches No 340 and 341.

No. 700.

Legation of the United States.

Peking, September 11th 1888.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of your despatches No. 340 and 341, both of the 30th July, relating to the proposed International Marine Congress, and to say that your instructions therein will be complied with.

I have the honor to be, Sir,

Your obedient servant,

Charles Denby

"From U.S. Legation in China" Dip Bureau 24 Sep.

DEPARTMENT OF STATE
SEP 18 1888
RECEIVED.

Acted memo. B. of Accts. Sept. 25 CWG

Baltimore, Md. 529 N. Charles St.
September 17th, 1888.

The Honorable
Thomas F. Bayard
Secretary of State
Washington. D.C.

Sir,

I have the honor to forward to you herewith my account for salary as Secretary of the United States Legation in China for the period during which I was on leave of absence, extending from June 5th to August 30th inclusively and amounting to $430.08.

I would be obliged if you would inform me at what date I may draw upon you for the amount shown due me by said account.

I have the honor to be,
Sir,
Very respectfully,
Your obedient servant
W. W. Rockhill.

Inclosure. Account in duplicate as above.

To ASS
Act by

file

DEPARTMENT OF STATE
NOV 2 1888
RECEIVED

No 701)

Legation of the United States.

Peking September 17th 1888.

3D ASSISTANT SECRETARY.
Ack. by Number and File.
J. B. M.
NOV 3 1888

Mr. Denby to the

Secretary of State.

copy R 1888

Subject.

The late Treaty.

Synopsis

Interview of Yamen with Minister touching Congressional Legislation and ratification of the Treaty

One enclosure.

No 701.

Legation of the United States.
Peking September 17th 1888.

To the Honorable
Thomas F. Bayard
Secretary of State
Washington, D.C.

PRINTED
FOREIGN RELATIONS
1888

Sir:

I have the honor to report that some days ago five Ministers of the Yamên towit, Marquis Hêng, San Yü-Wen, Hsü Yung-I, Liao Shou-Heng and Hsü Chên sent cards asking for an interview today.

I, of course, assented. Four came to the Legation at

three

three o'clock and remained untie after five. They stated the object of their visit to be to learn whether I had any information as to the passage of a bill by Congress absolutely excluding all Chinese from the United States. They said that they had received a despatch stating that Congress, being angry over the alleged rejection of the treaty, had resorted to this measure. I answered that I knew nothing about any bill having passed.

I then took the offensive. I procured to be read to them the communication, which is an enclosure in my despatch

Omit

No

No 187, of date August 4th 1886.] omit

I said that China, and not the United States, had proposed the new treaty; that China had stated what should be the provisions thereof, and the views of China had been literally adopted by the framers of the treaty, that the conduct of China in refusing to ratify the treaty was unjust and indefensible.

They said that China had not refused to ratify the treaty. She was simply considering the question. I said she had allowed it to go out to the world that she had rejected the treaty. It was

so reported in the London papers, the Chinese papers and everywhere in Peking. In thus acting China was going back on it's own express orders and directions. That there was no cause whatever to justify the change of front. That the sole object of the treaty of 1880 was to exclude Chinese laborers. That the treaty of 1888 changed the word "suspend" to the word "prohibit", and limited the effect of the treaty to twenty years. That this constituted the only difference between the treaties except so far as the latter favored China in other clauses. That China

had

had known since 1880 that the influx of Chinese laborers would not be tolerated in the United States. That there was not the slightest use of endeavoring to cover up or disguise this plain question. That we were not acting like Australia and certain British Provinces in America, levying a per capita tax on Chinese passengers in ships. But that we announced openly our policy to be that the immigration of Chinese laborers must stop, and departing laborers could not return except under the conditions stated in the new treaty. [They were disposed to argue]

argue the question and advanced the usual arguments in favor of Chinese immigration. I said I could not argue with them or anybody else the merits or the propriety of the legislation of my country. I was an executive officer, bound to obey the expressed will of my Government, and that I must be excused from entering into any discussion as to the desirability of Chinese immigration. I said that it was worthy of consideration whether the old treaty was not strong enough to support all necessary legislation, and, whether Congress had passed a new bill or not,

it

it was probable that, if information reached that body that China had ~~proven false~~ receded from ~~to~~ her promises and pledges, the most stringent legislation would be enacted. I said the thing, the one thing and the only thing, to do was to immediately ratify the new treaty. That the new treaty was attacked at home as bitterly as in China. That a large part of the people in some states demanded absolute exclusion, that the Government present Administration had not favored that scheme, that it had, in all things, treated China fairly and honorably. I cited the passage

omit

-6

of the opium bill and the payment of $453.400, in Apre 1885, the payment of $147,748.74 in 1887, and the provision for the payment of $276,619.75 in the new treaty. I stated that, in spite of all these evidences of friendship, China, now, was, without any cause or reason whatever, declining to ratify it's own work; and that delay in this matter was dangerous; that the people were much excited over the pendency of the Presidential Election, and that I wanted the question settled to avoid possible riots and disturbances.

unit

They protested that they had not

not rejected the treaty but that they came to me for information on certain subjects. [They enquired whether I would telegraph to you to ascertain the contents of the bill that had passed. I said no, I would not; that it would cost $1000 to wire to me the entire bill, and I would not incur the expense; that no further information was necessary; that their plain duty was to ratify the treaty.] omit

They asked me if I would telegraph to enquire whether a bill had passed excluding all Chinese from entering the United States. [After some hesitation] I agreed to do that. omit

They

They then asked me if I would telegraph to ask authority from you empowering me to consult with them as to new clauses. I said no, [I would not] that this treaty had been made by the express orders of China, and did not contain a line except what she said she wanted, and if it were re-opened there would be great delays, and it would be altogether improper for me to ask authority to amend or alter it's provisions. [They then asked if I would telegraph that the Yamen requested that I might be so empowered, having the request come from them

omit

omit

and

and not from me. I said no, I would do nothing of the kind, that they might telegraph what instructions they pleased to their own Legation at Washington, but that I would do nothing to relieve them of the obligation resting on them to ratify the treaty as it stood. They were quite earnest in entreating me to comply with their request, but I positively refused.

omit

I finally asked them what changes they proposed to make in the treaty. They said they could not, on the moment, state them. [Indeed they were so taken aback by the vigorous onslaught I had made on them

omit

and

omit

and by the production of their own directions as to making the treaty that they were in a quandary.] I ~~finally~~ said to them that if they would, in twenty-four hours, send me a statement of any additions or alterations that they proposed to make in the treaty, I would wire the substance thereof to you. But I stated that there was no conceivably proper change that occurred to me.

They said that the bill as passed by Congress might have excluded all Chinese laborers now in China who had certificates. I said the express object of the treaty

was

was to exclude absent laborers from returning. [That there need be no doubt on that point.] That our policy was to do away with the disgraceful frauds which had made certificates merchandize in Hongkong, and had introduced into the United States hordes of men who had never been there before, and that in their communication to me of Aug. 3rd 1886, now before them, they had agreed that this might be done.

omit

They said that a general bill of exclusion would prevent laborers who had $1000 worth of property in the United States,

or

or who had families from
returning thither. I said of course
it would but (nobody would
be to blame but themselves.
omit That] if they had promptly
ratified the treaty Congress
omit would not [and] perhaps, [under
omit our laws, could not] have
passed a ~~[illegible]~~ law to ~~violate~~ change
its provisions. If now, by their
delay, trouble came they must
take the consequences. They said
that Congress ought not to
have passed a bill prohibiting
immigration before the treaty
was ratified. I said the only
bill I had seen was printed
in a newspaper, and provided
that it should not take
effect

effect until after the ratification of the Treaty [and that Congress did not remain in session all the time but adjourned usually in the summer.] omit Legislation was necessary in advance of the ratification because it might be delayed [— as is probably the case —] omit until after the adjournment. Our interview lasted more than two hours. It was participated in to a considerable extent by the Marquis Tseng.

I called his attention to the article, a copy of which is herewith enclosed, headed "China and the United States" and signed a "Peking Official" omit which

which appeared in the Chinese Times of the 15th instant. The authorship thereof has been ascribed to the Marquis. I denounced this article as a tissue of lies and as intended to make mischief between the two countries, and said I would like to know what "Peking Official" had written it. I did not directly charge the Marquis with writing it but the implication was so evident that it was necessary for him to say something. He said the article was written by Dunn — one of the editors of the paper — and signed by Dunn "A Peking Official". I took this as a

Omit

disclaimer

disclaimer of authorship. Of course I shall not accuse any gentleman, after such a denial, however indirect, of the authorship of a paper. The Marquis is, however, reported, by leaky and indiscreet friends, as being opposed to this treaty and all of a similar character.

omit

During the interview the Marquis did not take a prominent part in the discussion. He, however, was frequently appealed to by me on account of his supposed acquaintance with western methods of legislation. He usually corroborated my statements. He sometimes carried on a lively conversation

omit

omit

conversation with his colleagues, which I could not understand.

The four members of the Yamen left in a demoralized condition. I do not think they know their own minds, but are anxious to have it understood that they have not rejected the treaty and they are evidently seeking for some mode by which they can ratify it without losing, as the Chinese say, "face".

omit

I am not able to reproduce all that was said at this interview. There was some discussion of the labor troubles relating to other nationalities.

Their communication will

be

be wired to you, in substance, and will properly form the subject of another despatch.

Omit

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosure

1. Clipping from the Chinese Times, as above.

E

Don't copy this

Enclosure 1 in No 701

China and the United States.

To the Editor of THE CHINESE TIMES.

SIR,—By the last two cablegrams from Europe, we have learnt with surprise and indignation that the U.S. Congress has passed a Bill forbidding the return of Chinese after leaving the States, and cancelling all tickets of identity. This is evidently in consequence of the refusal (and proper refusal) of our Government to ratify the Treaty recently made in Washington by our Minister there and the American Secretary of State, prohibiting Chinese immigration into that country for a period of twenty years; and the Congress, yielding to the clamour of the Anti-Chinese crusaders, has passed this unjust and unreasonable Bill, which is clearly a flagrant violation of the express terms of the treaties made with China on the subject. The Bill only requires the sanction of the President before it becomes law. This is the last straw that breaks the camel's back, and China has now to take a decisive step in the matter. If the obnoxious American Bill should be carried into effect, there will be no other course open for China consistent with her dignity as a nation than to adopt retaliatory measures by prohibiting the citizens of the U.S. from coming to China.

This, it will be seen, is by no means proportionate to the harm done to the Chinese interests in America; but it will have to be done in order to show that the Chinese can do the same thing; and if this will have no effect in bringing the U.S. Congress and Government to reason and fairness, then it will be a question for China to consider whether it is not time for her to cancel her treaties made with that country, to recall all her subjects from there, to expel all the U.S. citizens from this country, and to cease all relations and intercourse, diplomatic and commercial, with that country.

Individually, I am strongly in favour of a liberal policy being pursued toward all countries, and I should be very sorry to see a single step taken which might be called retrograde and anti-foreign; there is, however, a limit beyond which even the most patient and long suffering cannot go, and the most effective way to convince American Congressmen of their folly—who, blind to reason and deaf to sound argument, and reckless of the disastrous consequences that may happen to other men, have passed the obnoxious Bill in order to gratify their prejudice or to become popular with the Anti-Chinese voters and electors,—is to treat their own countrymen in China in the same way as the Chinese are treated in America.

Yours obediently,

A PEKING OFFICIAL.

Peking, September 11th, 1888.

Peking Sept 18 88

My dear Mr Bayard

I enclose this letter in a confidential despatch detailing an interview had with the Yamen yesterday at the Legation. There is little for me to add to the statements therein made. But some additional remarks will not be inappropriate.

It has occurred to me that the Yamen in view of the great opposition that our treaty has encountered in China will desire proposed ones to add one or more clauses. These clauses will probably go to the point that a Chinese laborer who has left the U S for China, and is in China now, will be deprived of the benefit of the clauses in

the second article which permits a return under certain conditions. While I gave the Jesuits no encouragement that the Treaty would be changed in this respect it is still worthy of consideration whether in these respects the rights of absent laborers might not be guarded. Advantage therefrom would probably never be taken. But this a statement that any Chinese laborer now in China who has a family in the U S or $1000 worth of property therein may avail himself of art 2 might give to the Chinese Government an apparent concession which would more or less satisfy the Chinese public. There is no other point that occurs to me wherein any

ratification might be accepted.
re is considerable excitement
China over the Treaty.
you did not answer my last
spatch which informed you
ratification was postponed
further deliberation, I made
effort to see the Yamen. They
to see me in consequence,
think, of bad inter views with
Marquis Tseng and Sir Robert
Hart. In my conversation with
Prince Kung I had expressed
surprise at the conduct of
China in repudiating a Treaty which
herself proposed, and whose
terms were identical with those
China had drafted.
The Yamen were evidently all
taken up by my bold denunciation
their conduct. They are seeking
think to find some way to
satisfy the Treaty without a

complete back down. But I
will renew their views better w
they send me their proposed
changes which I will write to
They partially acquiesced w
orders I had from you some
they sent me the communica
which I forwarded. I had no
and as bad them. If you had
instructed me to press the
ratification I would have a
with energy and insistence. Bu
under the circumstances I
waited for instructions.
Their great precipitate the
discussion, and now they are
in my opinion making an excu
for ratification..
In view of the political condition
at home I am powerless to advis
you, and must simply obey order
Very truly yours
Charles Denby

DIPLOMATIC BUREAU
noted 3

DEPARTMENT OF STATE
NOV 2 1888
RECEIVED

No 702. One Enclosure.

Legation of the United States,
Peking, September 19th, 1888.

2D ASSISTANT SECRETARY
Note as usual [Mr. Taylor]
Ack. by Number and File.
NOV 3 1888. aae

Mr. Charles Denby
to the
Secretary of State

— Subject —
International Marine Conference

— Synopsis —
Invitation extended to Germany.
Communication of purposes of Conference
made to Sir Robert Hart, Inspector
General of Chinese Customs.

No 702. One Enclosure

Legation of the United States

Peking, September 19th, 1888.

Honorable Thomas F. Bayard.

Secretary of State

Washington.

Sir:—

I have the honor to report that in obedience to your despatch No 340, of July 30th, 1888, I transmitted to the Tsung li yamen a translation of nearly the whole of the said despatch.

I sent also a communication of which

1/702 a copy is enclosed herewith.

I also communicated to Sir Robert Hart, Inspector General of Customs, a copy of your despatch. This Gentleman, as you are well aware, takes a great interest in all matters appertaining

to

to commerce and shipping.

There is a marine branch of the Customs which has charge of light houses, buoys and other matters of like nature.

The influence of Sir Robert Hart in all public affairs in China is very great. I shall endeavour in personal conference with him to interest him in this very important and laudable enterprise.

I have the honor to be,

Sir,

Your obedient servant

Charles Denby

Enclosure 1.

Mr. Denby to Foreign Office, September 19th, 1888.

Enclosure 1. Despatch 702.

Mr. Denby to Foreign Office.

No 13. Peking, September 19th 1888.

Your Highness and Your Excellencies.

I have the honor to inform Your Highness and Your Excellencies that in pursuance of an Act of Congress an International Marine Conference of delegates from all nations will be held at the City of Washington on Wednesday the 17th day of April 1889.

The object and purpose of this conference are set forth in full in a communication to me from the Hon Secretary of State of which a translation is herewith

Enclosed

enclosed and to which your attention is invited. The Imperial Government of China is invited by the President of the United States to send as many delegates as she pleases to this peaceful conference. The objects and purposes are important to China and to all the world. They are in brief to make navigation safe by improving signal codes, providing for saving of life, removing wrecks, and devising methods to convey information of storms. I am instructed to inform you that the President of the United States takes a great interest in the benevolent purposes of the proposed conference and

that

that he cordially desires and confidently hopes and expects that in the universal interest of civilizing humanity the Imperial Government will view and respond to his invitation in the same spirit in which it is extended.

I have &c, &c, &c,

(signed) Charles Denby

Telegram received
from U.S. Legation in China

Peking. Sept. 20, 1888.

Bayard,
Washington.

Telegram communicated to Yamen. Forty eight hours indispensable for their answer. If ratification refused, I advise President's approval Exclusion Bill.

Denby.

DEPARTMENT OF STATE
NOV 2 1888
RECEIVED.

No 703.

Legation of the United States.

Peking September 20th 1888.

R 1888

Mr. Denby to the

Secretary of State

Note touching correction, by successive treaties, of errors in the transmission.
Nov 3 1888.

Subject

In re ratification of treaty.

Synopsis

Confirms Department's telegram of 19th inst. and Mr. Denby's telegram this date. Discussion of China's conduct in delay and vacillation.

Three enclosures.

No 703

Legation of the United States.

Peking, September 20th, 1888.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

PRINTED
FOREIGN RELATIONS
1888

Your telegram, [of which a copy is hereto annexed,] reached me at 5. P.M. the 19th instant.

substitute paraphrase here.

03

I append hereto a copy of the telegram as translated in accordance with the code. It will be seen that the literal rendering produces some confusion. There is an evident mistake

03

print
2

mistake in either the preparation or the transmission of the cipher characters: But I could easily see that, in substance, you informed me of the passage of the Exclusion Bill, or the fact that it awaited approval at the hands of the President and that his decision might be influenced by the action of China on the new Treaty, and that you appealed for instant ratification in the interest of treaty relations and amity.

Mark

In that sense I immediately sent to the Yamên the communication of which a copy is herewith enclosed.

3/703

This

This communication reached the Foreign Office about six o'clock P.M. the 19th. I knew that it would probably not be considered that evening because the Ministers had gone to their homes. I knew also that the question of ratification could not be finally acted on today, the 20th, because the Emperor would have to be consulted. His official audiences take place early in the morning and he could not be consulted before the morning of the 21st. I did not, therefore, demand an instantaneous reply but limited the time for an answer to forty-eight hours.

I

I could not telegraph to you yesterday because the gates of the Tartar City are closed at dark, and after that time there is no access to the Telegraph Office which is situated in the Chinese City.

Early this morning I sent you the following telegram:

substitutes paraphrase

"Telegram communicated to
"Yamen. Forty-eight hours
"indispensable for answer.
"If ratification refused I
"advise President's approval
"Exclusion Act"

If my previous despatches have reached you, you are in possession of all my acts and doings.

By

By my despatch, No 701 of Sept. 17th, you will see that the Yamen, at their interview with me, agreed to send me, in twenty-four hours, suggestions as to alterations in or additions to the treaty. I did not telegraph an account of that interview to you because I expected to receive these suggestions the 18th and intended to embody all information in one telegram. But the Yamen has, up to this writing, sent me nothing. [I suppose this despatch will not reach you in time to affect the situation, as it now stands, but it is proper, nevertheless,

omit

to

to state fully my views in the present confusion, and before the Yamen shall have sent me any communication.

In my telegram to you of today I recommend, for, in part, the following reasons, the approval of the Exclusion Act, if the treaty is not ratified.

Omit

China has acted throughout the time of consideration of the treaty here with duplicity. It was notorious here that ratification had been refused. It was so wired the world over was current in the streets, and was reported by confidential agents of members of the Yamen. Knowing the characteristics

of

of Chinese diplomacy, and the prevalent desire to secure temporary advantages by trickery, I was not certain that a final rejection of the treaty had been arrived at, though I believed it had. I, therefore, addressed the Yamên a pointed note asking positive information. I also saw Sir Robert Hart and the Marquis Tseng. The result was the interview with the Yamên which has been reported to you.

The conduct of China is eminently unjust and indefensible. She takes no steps to execute the Treaty of 1880. Her officials enjoy as a good joke

Print

fore the continued influx of Chinese into the United States. She is aroused only by the riots and outrages on her people in the west. Then, in August 1886, she proposes seriously to prevent emigration to the United States and calls on Great Britain to assist her by changing the navigation laws at Hongkong. She dictates a new treaty. She orders her Minister to make it in specific terms. Her instructions are literally obeyed. Then followed the unnecessary and unfortunate amendments by the Senate. These amendments furnish a pretext for delay, the real reason

omit

being

being a dread of the action of Australia.

Her Ministers here have no excuse to offer for their procrastination. In their interview with me they were helpless and powerless to make a shadow of a reasonable excuse for refusing to ratify the treaty. They feebly protested that they had never refused to do so but were simply considering the question.

Omit

The publication of the despatches of China, on the subject of the treaty, will cover her with ridicule and furnish another exemplification of her disgraceful vacillation.

Her

her reactionary policy is destined to destroy her standing abroad and to lead to great evils in her own confines.

I favor the approval of the Exclusion Bill because our self-respect would be seriously impaired if we allowed ourselves to be treated with the indecent disregard shown us, and because China is violating her plighted faith, and because more strenuous measures than now used are necessary to exclude effectually Chinese laborers.

Mint

It is questionable, in any event, whether we will not be

be driven to exclusion of all Chinese, because the spirit of our institutions does not admit of the permanent presence among us of large bodies of people who remain perpetual aliens to our system of government. But whether such policy be ultimately proper or not, it is, in my opinion expedient and right in the present conjuncture to put the Exclusion Bill in force.

omit

We asked nothing of China except the exclusion of laborers. This has been the essence of the agreement of the two Countries for eight years. The new treaty simply strengthens an assured right. China is the last country

in

in the world to complain of exclusion. She excluded all the world from the earliest times. She excludes laborers today by forbidding foreigners to engage in manufacturing in her borders. She permits foreign access only to some twenty points on the seaboard and the great rivers. There are no American laborers in China. There are comparatively few merchants. The body of our people are missionaries, who are here for no purpose save to exercise philanthropy and to promote religion. [While I most cordially endorse the new treaty, and while I regret the

omit

inconvenience

inconvenience that may result to our own citizens in China from possible retaliatory measures that may be adopted here, I am still firmly convinced that our national honor demands that China should be taught that she cannot with impunity make us the foot-ball of her foreign policy, and that we will, on all occasions, resent her violation of plighted faith. It is, perhaps, proper to add hereto that I would have telegraphed asking a repetition of your message, herein mentioned, but I came to the conclusion that the matter was too urgent to admit of delay.

omit

I

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosures

1. Mr. Bayard to Mr. Denby cipher telegram of 19th inst. (remove Secret fo al Nov. 2.

2. Rendering of above.

3. Mr. Denby to the Tsung-li Yamên Sept 19th 1888 No. 14.

one copy Ches

Enclosure 2 with despatch 703

Translation of cipher despatch.

Bailey, Minister Peking

The bill has passed both houses of Congress for total exclusion of Chinese and awaits Presidents approval. public feeling on the other hand on the pacific coast excited in favor of it and situation is critical. Hit decision Impress upon Government of China will be named necessity for instant decision in the interest of treaty relations and amity.

Bayard.

Enclosure 3 despatch No 703.

Mr Denby TO Mr Foreign Office

No 14. Peking, September 19th 1888.

Your Highness
and
Your Excellencies:

I am informed by telegram from the Hon. Secretary of State that the bill prohibiting for the total exclusion of all Chinese from the United States has passed both Houses of Congress and awaits the Presidents approval.

My reading of the telegram induces the belief that the approval or disapproval of the bill by the President of the United States depends on an immediate decision by the Government of China as to whether it will or not ratify the pending treaty.

The situation is critical; Congress is about to adjourn; immediate action must be taken. In

the

the interest of treaty relations and friendship between the two countries and in view of the fact that the new treaty was suggested by Your Highness and Your Excellencies, I respectfully request that you will immediately ratify the treaty and give me immediate official notice thereof. If I do not receive from Your Highness and Your Excellencies within 48 hours an answer to this despatch it will be my duty to telegraph to my Government that the ratification has been refused.

I have &c, &c, &c,

(signed) Charles Denby

Telegram received
from U. S. Legation in China.

Peking, Sept. 21, 1888.

Bayard,
Washington.
Ratification refused unless twenty years limitation is discussed with a view to shortening. Laborers now abroad owning thousand dollars to return. Provision to be made for laborers now abroad owning less.

Denby

No 704.

DEPARTMENT OF STATE
NOV 2 1888
RECEIVED.

Legation of the United States.

Peking, September 21st 1888.

Mr. Denby to the

Secretary of State.

FR. 1888

Subject.

Confirms telegram of this date.

Synopsis.

Encloses translation of communication of Yamēn, and comments thereon.

Two enclosures.

No 704.

Legation of the United States.

Peking September 21st 1888.

PRINTED
FOREIGN RELATIONS
1888

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor to confirm my telegram of this day, which reads as follows:

"Ratification refused unless "twenty years limitation "is discussed with a view "to shortening; laborers "now abroad owning "thousand dollars to return; "provision to be made for

laborers

Substitute paraphrase

"laborers now abroad
"owning less".

I enclose, herewith, a translation of the communication of the Yamên to me.

1/704

It will be seen that the demands made involve the making of a new treaty.

The first demand looks to the shortening of the period of limitation. I have no comment to make on this clause except that it trifles with our just rights.

They demand, secondly, that laborers who have returned to China previous to the enforcement of the treaty, and who would have been

qualified

qualified to secure a certificate of return under Article II, shall be allowed to present a petition to the Chinese Consul, embodying the circumstances, and that a certificate be granted them to return to the United States.

Had the treaty been ratified, and such a suggestion been made as to the provisions of the laws which are intended to provide for it's execution, this demand would have been worthy of fair consideration. But, in my opinion, no authority to issue certificates should, in any event, be given to a Chinese Consul.

The

The third demand is, in it's terms, indefinite. It proposes the discussion of the question how the cases of Chinese laborers who are now abroad, and who own less than one thousand dollars, shall be dealt with. If this clause looks to a return of this class it is inadmissible. It is settled by the Treaty that such persons cannot return. Under article II, the right to return is expressly limited to a Chinese laborer who has "a "lawful wife, child or parent "in the United States, or "property therein of the value of "one thousand dollars, or debts

of

"of like amount due him
"and pending settlement."

To make any provision whatever for the return of Chinese laborers who do not fill these requirements, is simply to annul Article II altogether.

Regarding the demands of the Yamên as being, in substance, a refusal to ratify the treaty, I adhere to the opinion already wired you that the Exclusion Bill should be approved.

omit

In view of the fact that I have no authority to discuss with the Yamên any alterations in the treaty, I have sent to

them

2/704

them the reply of which a copy is enclosed.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosures

1. Tsungli Yamen to Mr. Denby Sept. 20th 1888, No. 10.

2. Mr. Denby to Tsungli Yamen Sept 21st 1888, No. 15.

Enclosure 1 with despatch 704.

No 10.

The Foreign Office

to Mr. Denby

Peking, September 20th 1888.

Your Excellency:—

Since the interview I had with Your Excellency a few days ago, we have during the interval considered the points in the new treaty that are still necessary to be clearly defined. They are arranged under three headings and I am preparing a memorandum of them when I received Your Excellency's despatch of the 19th instant, the contents of which we have duly perused.

It appears that on account

of

of your Government having heard reports published in the newspapers that China would not assent to the ratification of the new treaty, both Houses of Congress have thereupon passed an act.

On the Yamen receiving of this report we were at first rather inclined to disbelieve it, hence we (some of the ministers) proceeded to Your Excellency's legation to make enquiry. Your Excellency was also certain that there was no such thing. But on perusal of Your Excellency's communication, we then knew that the reports were well founded.

We

We certainly had no idea or expected such a thing.

With regard to this matter, it concerns the establishment of a treaty between the two countries, and we cannot but be extra careful and circumspect. It is right therefore to await until after Your Excellency has taken up the three points submitted by the Yamen and carefully and clearly considered them, and sent us a communication in reply, then we can present the new treaty in a memorial to the Throne asking for ~~u~~ ratification thereof.

If this matter can be ~~u~~

Expeditiously

Expeditiously considered and decided upon the Yamen will also be very much pleased. But we are of the opinion (that if) the Government of the United States has hitherto entertained thorough friendly relations toward China, (the President) will surely not assent to the one-sided action of Congress in the passage of the new act, pressing China and giving her very little time, thus making it difficult for the Yamen to deal in the matter satisfactorily.

A necessary communication addressed to

H. E. Charles Denby

" " "

Enclosure in Yamen's despatch.

Enclosure 2 with despatch 704

Memorandum submitted by the Tsung li Yamen in regard to the new Exclusion treaty.

1st. In this treaty although the purposes and intent of the contracting parties are in general identical, still the people outside are very much displeased with it. If the period of limitation can be discussed with a view to reducing it, this will have the effect of tranquilizing their feelings a little and it will make matters much more convenient.

At the expiration of the changed period

period of limitation, if the two Countries do not consider it necessary to make any alteration then another period of limitation can be extended.

2d In the second article of this treaty (after it takes effect) the provisions governing the return of Chinese laborers to China and their going to the United States are on the whole or generally speaking satisfactory, but in regard to Chinese laborers who have returned to China previous to the enforcement of this treaty, if they have property in the United States they should be allowed to

present

present a petition to the Chinese Consul embodying the circumstances and a certificate be issued granting them also in like manner the right to return to the United States, thus manifesting a sense of justice.

3d. Chinese laborers who have returned to China, and who have property in the United States not amounting to $1,000. in value, it is right that the question as to how such cases should be dealt with should also be discussed.

Copy-

Enclosure 2 in No 704.

Mr. Denby to the Foreign Office.

No 15. Peking, Sept 21st 1888.

Your Highness and Your Excellencies:

I have received, to my very great regret, the communication of Your Highness and Your Excellencies on the subject of the ratification of the new treaty between the Imperial Government of China and the United States.

Your action amounts simply to a refection of the treaty.

Any change made in it now would involve the necessity of another ratification by the Senate of the United States.

I have no authority to make a new treaty, nor to discuss with Your Highness and Your Excellencies the propriety of making any changes in the

treaty

treaty which is before you for ratification.

I have forwarded your communication to my Government and will await it's orders.

I have etc, etc,

(signed) Charles Denby.

DEPARTMENT OF STATE
NOV 8 1888
RECEIVED.

DIPLOMATIC BUREAU.

8

No 705.

Legation of the United States.

Peking, September 23rd 1888.

2D ASSISTANT SECRETARY
Ack as directed
NOV 8 1888

Nov 9 1888 Cir'd.

Mr. Denby to the

Secretary of State.

Subject.

Precautions against riots in China.

Synopsis

Minister has advised Admiral Chandler of danger of riots in China in case Exclusion Bill becomes law and suggests action.

No 705.

Legation of the United States.

Peking, September 23rd 1888.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor to report that I, this day, wired, in cipher, Admiral Chandler as follows:

"If Exclusion Bill becomes "law danger of riots in "China. Your judgement "will dictate proper action"

I confirmed this despatch in a communication mailed the

the same day.

I therein stated that I did not know what the action of the President would be, nor whether the Bill had become or would become a law. But that, in the event of it's final adoption, there would be grave ground for fear that the Chinese population at the various ports, and in the interior, would perpetrate acts of violence against resident Americans. Particularly was this danger to be apprehended at Canton.

You are aware that the making of the treaty created considerable excitement which has furnished to the Yamen

an

an excuse for their procrastination. The putting in force, as law, of the Exclusion Bill will greatly intensify this feeling.

I left to Rear-Admiral Chandler the adoption of such measures as might seem proper, suggesting merely that the stationing of a man-of-war at Canton, Tientsin and other points in China, was desirable.

The United States Naval Force on this — the Asiatic — Station, is exceedingly small and is by no means adapted, in the size and armament of the ships, to service required to be performed.

I beg to be permitted to

make

make the suggestion that it should be increased.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

DEPARTMENT OF STATE
NOV 8 1888
RECEIVED.

Dep Bureau
10 Nov

No 706.

Legation of the United States.

Peking, September 14, 1888.

Rec'd Pmns. Mr Rice Nov 12, 1888. Cir Co

Mr. Denby to the

Secretary of State.

Subject.

The preparation of codes for the East.

Synopsis.

The Minister recommends that the Department over-rule the ruling that Ministers cannot legislate. Failing in that, that a penal statute for the East be enacted by Congress.

No 706.

Legation of the United States.

Peking, September 24th 1888.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

In your despatch to Mr. Hubbard of which you sent me a copy in your despatch No 339, of July 25th 1888, you intimate that it would be agreeable to you if Mr. Hubbard and I would prepare a substitutionary draft of a revision of the Consular jurisdictional codes of the East.

I

I am entirely willing to do my part toward this important work.

Such a labor would be similar to the preparation of a code for a State or Territory. I am compelled to state that my library does not contain a code of any State or Territory. If the work is to be undertaken it would be absolutely necessary for me to have access to several of the best devised codes. Perhaps those of New York Indiana and California would suffice.

Permit me to say that my recommendations to the Department have not taken

the

the wide range covered by your suggestion.

I have recommended, and still, recommend, the preparation of a penal code for the East. This would involve easy professional labor.

It is singular that the distinguished gentleman who prepared an elaborate code, which was submitted to the Senate Committee of Foreign Relations by Secretary Frelinghuysen with his letter of April 29th 1882 (Senate Mis. Doc. 89, 47th Congress 1st Session) omitted to insert therein the most absolutely essential portion of any code, and

particularly

particularly, of a code for the East.

Sec. 22 p. 230, of that document, provides a list of punishments and penalties for crimes and offences committed by citizens of the United States in all of the enumerated places out of the territory and dominion of the United States.

It proceeds through p.p. 231 and 232 to provide punishments as follows, for example; "Every person "convicted of murder shall be "condemned and sentenced to "death". Thus it utterly fails of definition of the crime of murder. So with rape, burglary, larceny and all other crimes.

the

We have simply the use of a technical word and nowhere the definition of what acts shall constitute murder, manslaughter, larceny or any other crime. Consular officers are told what punishment they may inflict, on conviction, but they are left to find a definition of crime and their warrant of jurisdiction where they may.

They must find jurisdictional power either in the statutes of the United States or in the common law. The criminal code of the United States covers, generally, only the class of crimes which are offences against the government and takes little,

if any, cognizance of misdemeanors. It is altogether insufficient for the administration of the criminal law in the East. It is necessarily insufficient because the States and Territories make their own criminal codes. There is, exceptin, the places, such as forts belonging to the United States, and the District of Columbia and unorganized Territories, no locality on which a criminal code could operate.

If we turn to the common law for assistance we are met by insupportable objections in the effort to secure jurisdiction.

I am aware that the criminal law is both statutory and

Common

common in many of the states. In Ohio and Indiana there are no common law offences. In those states all crimes and misdemeanors must be defined and punished by the statutes. The same rule, in a limited sense, exists in Florida and Missouri. In the other states it is said that the common law prevails in criminal matters. But the Courts are officers of the United States and can take no authority from the State Statutes or practices.

It is well known that we have no national common law. That the Courts of the United

States

States have no jurisdiction over crimes except such as is conferred upon them by statute, that they cannot exercise jurisdiction under the common law alone has been held in many cases. See Abbott's National Digest p. 222 § 21 et seq.

The Consular Courts and the Minister in China are Courts of the United States.

Through many tribulations and ex necessitate we have taken jurisdiction under the common law. We are subject to continual embarrassments, and would bear them without remonstrance, if a remedy for them were not so easily to

be.

be had. "

If Sec 4086 p. 787, of the Revised Statutes, had been strictly construed by the Department, our difficulties would never have existed. I have no doubt that Congress meant what it said when it used this language, "if "neither the common law, nor "the law of equity or admiralty "nor the statutes of the United "States furnish appropriate and "sufficient remedies, the Ministers "in those countries respectively "shall by decrees and regulations, "which shall have the force of "law, supply such defects and "deficiencies"

The

The Department of State has annulled, to all intents and purposes, this statute. It has said that the Minister cannot legislate. In my opinion this was a serious error. It is eminently worthy of your consideration whether this ruling should not be set aside. Our difficulties would at once disappear. The ministers, under the wise control of the Department and with it's approval, would no longer be hampered and bound down to mere questions of procedure and practice, but they could prepare and put in force a complete civil and criminal code for each country

in

in the East. It is not one man power. It is governmental power which would be exercised by the Government of the United States, first through the Minister and Consuls, then by the President, through the Department of State, and, finally, by Congress.

That the right of legislation was intended to be conferred is proven, by direct implication, by Sec 4119 p. 7922 R. S. That section requires that "all "such regulations, orders and "decrees shall, as speedily as "may be, after publication, be "transmitted by the Ministers, "with the opinions of their

advisers

"advisers, as drawn up by them "severally, to the Secretary of "State, to be laid before Congress "for revision". Ultimately, therefore, Congress, and not the Executive, makes the law.

Congress, no doubt, had before it the system of that great colonizing country, Great Britain. The Minister of Great Britain, today, has the power of legislation, subject to the approval of the Council in London. That country, mainly, opened the East to foreign commerce. It's example, where it does not conflict with our own institutions, may safely be followed in dealing with matters

appertaining

appertaining to legal procedure in the Cast.

If my suggestion, herein, to the effect that the Minister, under the limitations stated, shall have the power to legislate, is not approved by you, then it remains, as the first urgent necessity, to prepare a criminal code for the Cast, to be enacted by Congress. I know the delays that this course involves, and the difficulties which would encompass such attempted legislation, but there is nothing else to be done.

A bill should be prepared and submitted to Congress

defining

defining crimes, providing punishments and, by it's terms, conferring on the Consular Officers and Legations in the East, and in outlying countries, jurisdiction to hear and determine all criminal cases.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

DEPARTMENT OF STATE
NOV 8 1888
RECEIVED.

Action taken
Nov. 13 88
given date

No 707.

Legation of the United States
Peking, September 25th, 1888

acked Nov 13
cirdo

Mr. Charles Denby
to the
Secretary of State

Subject
Newspapers for Legation

Synopsis
Reports that they are received irregularly, and asks that N.Y. Nation be sent in place of N.Y. Herald.

Mr. Everett:

Mr. Drubs's failure to comply with the section of the "Personal Instructions requiring that requests for a renewal of subscription be made on or before the 1st of May for the fiscal year beginning on the 1st of July following will account for the irregular receipt of his newspapers —

Respy —

Ch. acct. Nov. 13. '88.

J. K. Moor.

No 707.

Legation of the United States.

Peking, September 25th, 1888.

Honorable Thomas F. Bayard

Secretary of State

Washington.

Sir: —

I have the honor to report to you that the newspapers which you so kindly ordered for this Legation come very irregularly. I have not received a copy of the New York Herald for many months, and the Washington Post is not regularly received.

I will thank the Department to order for this Legation the New York Nation in place of the New York Herald.

I have the honor to be,

Sir,

Your

Your Obedient Servant

Charles Denby

DEPARTMENT OF STATE
NOV 8 1888
RECEIVED.

No 708. One enclosure.

Legation of the United States.
Peking, September 25th 1888.

Mr. Charles Denby
to the
Secretary of State

Subject
Enclosing Telegram Account
from September 5th to 23d 1888.

No 708 One Enclosure

Legation of the United States.

Peking, September 25th, 1888.

Honorable Thomas F. Bayard

Secretary of State

Washington.

Sir:—

I have the honor to enclose

8 my account for telegrams embracing the period from September 5th to September 23d inclusive, amounting to $302.87 against which I have drawn my draft on you in the usual manner.

I have the honor to be,

Sir,

Your Obedient Servant

Charles Denby

Enclosure 1.

Account as above.

Cipher Telegram.

Bayard

Washington.

Behring treaty negotiation demanded positive information from Foreign Office a few days since. No information has been received to date.

September 5th 1888.

Cipher Telegram

Bayard
Washington.

Ratification postponed
for further deliberation.
Denby

Peking, September 6th, 1888.

Cipher Telegram

Bayard Washington

Telegram communicated to Foreign Office - Forty Eight hours are indispensable for their answer.

If ratification is refused I advise President's approval Exclusion Bill.

Denby

Peking, September 20th, 1888.

Cipher Telegram

Bayard
Washington

Ratification refused unless twenty years limitation be discussed with a view to shortening, laborers now abroad owning thousand dollars to return, provision to be made for laborers now abroad owing less.

Denby

Peking, September 21st, 1888.

Cipher Telegram.

Admiral Chandler
Yokohama, Japan,

If Exclusion Bill becomes law danger of riots in China
Your judgment will dictate proper action.

Denby

Peking, September 23d, 1888.

DEPARTMENT OF STATE
NOV 16 1888
RECEIVED.

Acted upon 366 of Nov. 5, 1888 Staff. Cent. No 20 Ouster

No 709.

Legation of the United States.

Peking September 26th 1888.

Mr. Denby to the

Secretary of State.

Subject.

Messrs Russell & Co's Taiwanfoo claim.

Synopsis.

Messrs Russell & Co make a claim against the Chinese Government arising out of indebtedness of a compradore and failure to collect through wilful negligence and misconduct of local officials.

Mr. Denby asks authority to present.

2

One enclosure.

No 709.

Legation of the United States.

Peking, September 26th 1888.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor to enclose, herewith, a copy of the memorial of Messrs Russell & Co wherein they ask my interposition to secure the payment of a claim against the Chinese Government for $44,404.38. This the same claim to which I alluded in my despatch No 670 of July 20th, giving

1/709

giving an account of my trip to Formosa.

Briefly, the facts are that Russell & Co are American Merchants, who have, for five years and more, done business at the port of Taiwanfoo, Formosa, chiefly in the sugar trade; that on and subsequent to the 7th day of June 1887, Tan Say Kee, a Chinese subject, was their compradore; that said compradore had given to them a bond, to secure his liability to them, in the amount of $160,000.00, which was signed by several Chinese subjects as his sureties; that the said bondsmen were good and

solvent

solvent; that in June 1887 Russell & Co had the compradore arrested, and presented their claims against him to the proper authorities; that the said claims were duly examined into in June 1887 and were settled by the Taiwan Chuan (a magistrate appointed by the Taotai to hear the case) and this official rendered judgement in favor of Russell & Co for $36,442 63; that this sum could have readily been made on execution against the principal and sureties, but, as is charged, falsehood, bribery, procrastination and neglect supervened; that the sureties

had

had never pleaded poverty but the officials have set up this plea for them; many wrongs and grievances showing neglect and prevarication are detailed; that the principal and sureties have been thus enabled to make away with their property and now it is doubtful whether any part of the debt can be realized. Certain payments are admitted and the amount due is arrived at by the calculation of principal and interest and the adoption of certain specific sums claimed as damages. Voluminous affidavits accompany this memorial tending to show

the

the truth of the allegations made and showing also that the United States Consular Agent at Taiwanfoo, and Consul Crowell at Amoy, have been energetic in handling the case, but have been unable to secure a settlement of the claim from the local officials.

The question of law presented is this — Is China liable, under the treaties, to pay a just claim against one or more of her subjects when proof can be made that the local authorities have negligently, or willfully, failed to collect it by legal proceedings?

Art.

Art. XXIV of the United States Treaty of June 1858, signed at Tientsin, is as follows:

"Where there are debts
"due by subjects of
"China to citizens of the
"United States, the latter
"may seek redress in law;
"and, on suitable
"representations being
"made to the local
"authorities, through the
"Consul, they will cause
"due examination in
"the premises and take
"proper steps to compel
"satisfaction."

See, also,

Art XXXVII of the French Treaty

of

of June 27th 1858, made at Tientsin. Under this article the authorities "shall neglect "nothing after having "examined the affair "to compel <u>defaulters</u> "to satisfy their "engagements according "to the laws of the "country".

See, also, Article XXII of the British Treaty of June 26th 1858, made at Tientsin. Under this article China contracts that "Chinese "authorities will do their "utmost xxxxx to enforce "recovery of debts".

It is proper to remark

that

that, in the clauses cited from the American and French Treaties, there is a provision that "neither "government will hold itself "responsible for such debts".

There is no such clause in the British Treaty; but I take it that this clause means, simply, that if the local authorities have done their duty there shall be no liability over.

Whatever views may be entertained of the reciprocal liability, on the part of the United States, for damages, in similar conjunctures, I am satisfied that the protection of our citizens demands that

we

we should hold the Imperial Government liable in all cases in which the local authorities are clearly shown to have failed in their duty towards Americans.

This is in accordance with the gist of your able and strong despatch to me No 124 of Nov. 29th 1886 (Foreign Relations 1887 p. 169).

I, therefore, recommend that I be empowered to present the claim of Messrs Russell & Co to the Imperial Government, and to demand stringent orders that the Tomora authorities be compelled to collect; or pay, the debt, and

failing

failing in that remedy, that the Imperial Government pay the same.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosure

1. Memorial of Messrs Russell & Co, &c, &c

Enclosure 1 in No 709.

Copy

Memorial of

Russell & Co. American Merchants.

The said Russell & Co respectfully represent, —

That they have a claim against the Chinese Government in the sum of $414,404.38.

That the same arose on and subsequent to the 7th day of June A.D. 1887, at Taiwanfoo in South Formosa.

That prior to the said date, one - Tan Say Tee (Chen Ne Chi) of Takow - a Chinese subject was their Compradore, or native financial manager, or employee.

That they were at that time and for over Five (5) years prior thereto merchants at the said Port of Taiwanfoo, chiefly engaged in the Sugar Trade.

That the said Compradore was constantly receiving from and

investing

investing for them large sums of money in the said business.

That in the year 1887, it became known to them that the said Compradore was not dealing honestly with them and that he was a debtor to a large amount.

That some time prior thereto the said Compradore had given bonds to secure his indebtedness to them, which bonds were duly signed and sealed by the following persons as sureties, or bondsmen, for the amounts affixed to their names, viz:

Tan Kai Chin,	Ching Thee Kong	$20.00
do	do	30.00
Chia Tian Tat,	Poh Sing Kong	20.00
Ng Oun Chiu,	Teek Yoan Kong	10.00
Loong Tong,	Yaw King Kee Kong	50.00
Tieng San,	Chio Bengku Kong	30.00

in all $160,000.

That the said bondsmen are all Chinese subjects and were

well

well known as men of means sufficient to redeem their bonds if required, while collectively they represent means - money and property - to cover many times their liability as bondsmen.

That acting on the advice of the Acting U.S. Consular Agent at the aforesaid port of Taiwanfoo they in June 1887 requested the arrest of the Compradore and presented their claims against the said Compradore and his sureties for adjudication and collection — under the terms of the treaty — to the proper local Chinese authorities at that port.

That on the 1st day of June 1887 and subsequent days of the same month the said claims were duly heard and examined and the amount due by the said Compradore fixed and settled by the Taiwan Fuan, who had been appointed by the Taotai to

hear

hear the case, the amount due to them being found to be $36,442 $\frac{63}{}$, and judgement duly given in your Memorialist favor.

That the sum could readily have been collected from the said Compradore and his Sureties, and paid over to them in the course of a few weeks had the native officials, in charge of the matter, earnestly and honestly made any effort so to do, but instead of doing their duty the officials at once resorted to every species of falsehood and procrastination, neglect and bribery to prevent a settlement and enrich themselves by screening the Compradore and his sureties from the payment of a debt they, the officials, themselves had found to be justly due to the Memorialists.

That at no time since the examination of the case have

the

the sureties attempted to plead poverty – this was and is only put forward by the officials themselves — but on the contrary, at the examination, and later, in the form of petitions to the U.S. Consular Agent at Taiwanfoo – the Sureties acknowledge their liability and express their ability and willingness to pay – while complaining of the partiality shown to the Compradore and accusing the officials of the acceptance of bribes to which they attribute the delay in proceedings towards a settlement.

That the whole course of this case, from the day of the examination to the present time has been one of shameful neglect and prevarication on the part of the officials in charge of it until, at this time, after 15 months of negligence and inaction — during which the Compradore

and

and some of his sureties have been permitted, assisted and enabled through the misconduct of the officials to make away with and secrete their money and property — it is doubtful if any part of the monies due by the Compradore and his sureties could be realized out of the large means and properties which the defendants had when the claim was placed in the hands of the native officials to compel speedy payment thereof, as required under the treaty.

That by this delay, negligence and misconduct, of the Chinese officials at Taiwanfoo, they have been deprived of the payment of the monies found and admitted to be justly due — and are powerless to secure redress for this official misconduct, except the same be secured to the Memorialists by the Imperial

Government

Government of China.

That the claim is prefered on their behalf and that they are the sole owners thereof.

That they are now and were at, and prior to, the origin of the said claim, American Merchants, trading in China for more than 60 years past, and that all the members of the firm were and are citizens of the United States of America.

That the entire amount of the said claim now belongs, and that the time of it's origin belonged, to them and that no other person or persons are interested in the same or any part thereof.

That, on the 20th day of September 1887, the sum of $825 50/- was realized by them from the sale of furniture &c in Tahow and Taiwanfoo belonging to said — Tan Say Kee (Chen Tse Chi)

under

under orders from the Taotai, to whom accounts were rendered in English and Chinese and that on the 2nd day of August 1888 the sum of $4.908 33 was paid by the Prefect of Taiwanfoo to them through Mr. Wm S Crowell, the United States Consul at Amoy, which sums are all that have ever been paid to them towards a settlement of their claim or to any one else on their behalf— neither have they any equivalent or indemnification, of any sort or description, either for the whole or any part of the said claim.

That a statement of the amount now due to them, including interest, expenses and losses, which have been caused by the delay in settlement, consequent on the neglect and misconduct of the Chinese officials, to this matter are fully set out in detail

in

in Exhibit "A" attached hereto and made a part of this memorial.

That the amount of their claim as aforesaid is $44,404 38/100

All which is respectfully submitted

(s'g'd) pp Russell & Co.
Francis Cass.

DEPARTMENT OF STATE
NOV 16 1888
RECEIVED.

No 710.

Legation of the United States.

Peking, September 27th 1888.

Mr. Denby to the

Secretary of State.

Subject.

Claims of Americans against China.

To Mr. Moore Nov. 16. 1888

Synopsis.

Recommendation that in the final ratification of the new treaty the payment of these claims be provided for.

No 710.

Legation of the United States.
Peking, September 27th 1888.

To the Honorable
Thomas F. Bayard
Secretary of State
Washington, D.C.

Sir:

At the present writing I am without information as to the final disposition of the Exclusion Bill. I am, therefore, unable to forecast what may be the future relations between the United States and China. But, as matter of caution, I call your attention to the fact that

there

there are now on the files of this Legation claims of American citizens against China amounting to nearly $100,000.00.

You have before you, in my despatch No. 677 of July 27th 1888, the claim for the injuries done at Ningpo to Louis McCarlin; in my despatch No. 679, of Aug. 2nd 1888, the claim for the looting of the "Ruby", and, in my despatch No. 709, of the 26th inst., the claim of Messrs Russell & Co.

Revd Gilbert Reid has sent me a large claim for personal injuries done him at Chinanfu, last November. It has not

been

been submitted to you because it was returned to him for correction in some necessary particulars.

I received, last night, the claim of Dr Fulton and others, on account of the Kuaiping riots, amounting to $6.112.98. Under your instructions I am ordered to present these last mentioned claims. The Viceroy at Canton has definitely refused to pay them on the alleged grounds that missionaries have no right to go into the interior, and because China is in no event liable, under the treaties, for such injuries, and on other grounds involving

facts

facts.

These claims have all been precipitated on this Legation in a few weeks and since the making of the late treaty. Meantime China refuses to ratify a treaty wherein we agree to pay her the sum of $276,619.75 on account of similar wrongs done to her citizens in the United States. As this treaty is still pending by the action of the Tsungli Yamên, who postpone presentation to the Throne for ratification, it is eminently proper that, on our side, this sum of money should not be paid without a definite reckoning of American

Claims

claims and provision being made for their payment.

I, therefore, respectfully recommend that in the further consideration of the question of the ratification of the new treaty - if there be any - there be taken into consideration and settled the claims aforesaid, or such as you may approve, and that a definite conclusion be arrived at as to all other questions pending between the two countries.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

DIPLOMATIC BUREAU.

21

DEPARTMENT OF STATE
NOV 16 1888
RECEIVED.

No 711

Legation of the United States.

Peking, September 29th 1888.

To ASSISTANT SECRETARY.
Ack. by Number and File.
NOV 16 1888

Mr. Denby to the
Secretary of State.

Subject.

Comments of N. C. Daily News on
Mr. Denny's pamphlet on Corea.

One enclosure.

No. 711.

Legation of the United States.

Peking, September 29th 1888.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor to enclose herewith two editorials clipped from the North-China Daily News of the 21st and 22nd instant.

They are a review of the pamphlet lately issued by Mr. Denny, in Corea, discussing the question of the vassalage of that country to China.

I have not received copies

of

1/711

of the pamphlet but I take it for granted that a copy has been forwarded to you by Mr. Dinsmore.

These editorials present the English view and insist on the vassalage of Corea being perpetuated, as a safe-guard against it's acquisition by Russia. Their criticism on the foreign policy of China is well merited. She has lost Tonquin, Annam Burma. She will probably lose Tibet and Corea. Her treatment of the United States, in the matter of the ratification of the late treaty, is a fair specimen of her vacillation and ignorance of foreign matters. No other

policy

policy can well be expected in a government which deliberately adopts the policy of making scape-goats of its foreign ministers. The late history of China demonstrates that scarcely a minister who has negotiated a foreign treaty has failed to be degraded and punished, and in the case of the minister who negotiated the Russian treaty, some years ago, his execution was prevented only by the interposition of the foreign ministers here.

The dread of the Throne dominates all action of the Tsungli Yamen, and the Throne, in turn, dreads the provincial

authorities

authorities and the people.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosure

1. Clipping from N. C. D. News as above.

Enclosure in No 711

The North-China Daily News.

IMPARTIAL, NOT NEUTRAL.

SHANGHAI, SEPTEMBER 21, 1888.

We have published during the last few days the principal part of Mr. Denny's pamphlet attack on China and appeal for the independence of Corea. The portions of it which we have withheld deal with the legal question of the vassalage or non-vassalage of Corea to China, and seem to us to have no practical weight in the controversy which Mr. Denny has endeavoured to raise. The opinions of Wheaton and other authorities will have no weight in determining the future of Corea, should that matter present itself for urgent solution before the members of the Tsung-li Yamên. Whether Corea is to be allowed to go as the factions which intermitently rule her may desire, or be taken seriously in hand by China, will not be decided by academic rules, but by the necessities of China's case at the time. We are not therefore about to consider elaborately, whether there is historical evidence of Corea having been a vassal of China. Some evidence of vassalage has been presented, derived from the Sheng Wu Chi, the military record of the Ta Tsing dynasty. The vassalage is not distinctly claimed on this record, it is merely to be inferred by the reader from certain portions of the conditions which were imposed on Corea, after it had fallen to the Manchus early in the seventeenth century. The chief of these conditions on which a claim of vassalage is attempted to be displayed are: I,—That the defeated King of Corea agreed to surrender the seal and insignia of rank which he had originally received from the Ming Emperors; II,—That he agreed to adopt for all time the Manchu Calendar. The other clauses, such as the one which prohibited the Corean Kings from erecting fortresses without the permission of China, are such as are often imposed on defeated countries, of which Russia at the close of the Crimean war forms an example. We are told that when matters were arranged between China and Corea, the King of the latter country performed the *kotow* before the Emperor Tai-tsung. This ceremony does not amount to much, for at that time the whole earth was held by Chinese annalists as barbarian and eager to send tribute-bearing *kotow*-performing missions to the Emperor. Besides, Corea was at that time, and was for a hundred and sixty years afterwards, a tributary of Japan, a point on which, we are told, the Chinese historiographer is silent, as we dare say he has been upon a good many other points which told against his country. Still, it appears to us that there is evidence to show that the Kings of Corea acknowledged the Emperors of China as their Lord Superiors. This we take to be shewn by the petition which was sent by the King of Corea to the Emperor Kanghi in 1694, a translation of which was given in April 1887 in the letter of a correspondent whose knowledge of the historical and actual Corea is undoubted. Mr. Denny in his inconsiderate way calls our correspondent an advocate of vassalage, whereas he simply related a historical fact which bore on the question of Corea's vassalage or dependence on China. Mr. Denny tries to shew that our correspondent put the case—which was that at the end of the sixteenth and the beginning of the seventeenth centuries the consent of China had to be obtained before the successor chosen by the King of Corea could receive the title of HeirApparent and then could not assume the title of King until it was conferred on him by Peking—"much stronger than the facts warrant." But this does not appear to be the case, and it is with history and not with our correspondent that Mr. Denny should be angry. The conclusion we come to is that Corea was, almost down to the time when she made treaties with States in the West, dominated by Peking and owed to the Chinese Emperor something which if it was not vassalage was remarkably like it, at all events at those times when Peking fitfully woke up and asserted its rights.

When we come to the time when Corea entered into relations with other powers, we find her making a treaty with Japan in 1876 in which the first article is "Chosen being an independent state enjoys the same sovereign rights as Japan." The next treaty was with the United States in 1882, and as it stands there is nothing about the dependence or independence of the country. Neither is there any reference to either of these conditions in the treaty with Great Britain. There is not a word of Corean independence or Chinese supremacy in either of these documents. Mr. Denny tells us that Li Hung-chang endeavoured to the last to get the vassalage of Corea acknowledged in the American treaty, but that the American representative would have none of it. He was satisfied with the King's letter in which he acknowledged his Kingdom to be tributary to China, but said that as regarded the various duties which devolved upon Corea as a tributary state to China, the United States had no concern whatever. Sir Harry Parkes apparently followed this lead as have the representatives of other western powers. But some time afterwards the Rules for the Land and Water Commerce between China and Corea were agreed to, and the opening sentence says that "Corea has long been one of our vassal states." Again, last year, the memo-

rial or letter of the King of Corea to the Emperor on sending envoys abroad undoubtedly acknowledges vassalage. Mr. Denny writes of the language of the King in this Memorial, which is meant, he says, "to express his tributary relations, being persistently and erroneously interpreted to mean vassal relations." But what else but an acknowledgment of vassalage is conveyed in the following sentence: "Special consent was given to enter into friendly relations with America in the first instance and an officer was sent to assist in drawing up a proper treaty." The conduct of China was however very inconsistent during the treaty making time. She was heedless of her own interests or indifferent to what Corea might do.

Mr. Denny's object is to prove that Corea was never a vassal state of China. Practically it does not matter a straw whether she was vassal or tributary a hundred or five hundred years ago. When the Powers to whom her neutrality, or the possession of her, becomes a vital object, see that the time has come for action, they will not trouble themselves about what was written by Chinese historiographers two centuries ago, or by the King the other day. Mr. Denny has said his say in a hot-tempered, acrimonious and undiplomatic manner. In his eyes apparently the only danger to which Corea is exposed is, as he says, in italics, from the illegal, high-handed treatment which she is now receiving at the hands of the Chinese. He is understood to accept Russian assurances that Russia has no designs on Corea, and indeed the tone of his pamphlet is such that he has fairly laid himself open to the charge of not perceiving that Corea is exposed to any dangers, but those which his imagination furnishes forth as coming from China.

The
North-China Daily News.

IMPARTIAL, NOT NEUTRAL.

SHANGHAI, SEPTEMBER 22, 1888.

MR. DENNY is on different ground when he writes of the conduct of Yuan, the Chinese Resident at Seoul. When there were troubles in that city about two years ago, we spoke very plainly of the high-handed way in which that official conducted himself to the King, and since then we have written to the same effect. We have shewn that he has obstructed trade and acted as if he was determined to prevent the progress of the country. Mr. Denny, and Mr. Rockhill who formerly represented the United States in Seoul, have fully corroborated our statements, and the former has exposed his connection with an organised and extensive system of ginseng smuggling. His action has been injurious to China and Corea and detrimental to foreign interests, which, as far as Great Britain and the commercial European nations are concerned, are mainly comprised in the development of the resources of the country and the extension of commerce which would follow. What good China is to obtain from the presence of such a Resident is not apparent. It may be that Chinese politicians hope to increase the influence of their country in Seoul by thwarting the policy of the King and finally removing him from power. But if that policy was likely to succeed the King would, we should say, throw himself into the arms of Russia, and accept a Russian protectorate, as he was advised to do some few years since. He could not be blamed if he did so. The retention of Yuan in office in Seoul might therefore produce much more serious evils for China than the attempted assertion of independence by the despatch of envoys to foreign Courts, and anything else in the present attitude of Corea to her suzerain of which Peking may complain. And how can China expect that her interests will be furthered in Corea by a Resident who has taken part in a plot for the dethronement of the King? If, for the sake of argument, we put aside Mr. Denny's account of that plot and accept what he tells us was the Viceroy's version of the story, it does not make the retention in office of Yuan the less unwise. According to the Viceroy, Yuan was induced by Min Yong Ik to go into the plot, and was not the originator of it. Well, what can China hope from a Resident who was weak enough, foolish enough and wicked enough to allow himself to be drawn into such a conspiracy? Yuan's measure has been taken by the Coreans and he is no longer fit to be a representative of China at Seoul or anywhere else. Only, that we have seen so many mistakes in Chinese diplomacy in the north of late years, the fact of Yuan's not having been at once recalled would surprise us more. So long as he remains at Seoul he will be useless to his country.

Mr. Denny has been much exercised by our having said a year ago that the resolution to send envoys abroad was forcing to the front a question—the relations between Corea and China—which ought be have been kept in the background. He says that it was the tyranny and oppression of China, by the conduct of Yuan, and not any act of the King's, which forced the question to the front. He does not shew in what way envoys to Washington and the Courts of Europe could relieve Corea from the presence and misconduct of Yuan, and we give him the credit of supposing that he did not expect that any foreign Power would interfere in such a matter. The King's letter to the President of the United States, when the treaty was under negotiation, besides asserting his right to make the treaty, said that with the various duties which devolve on Chosen as a tributary state the U.S. had no concern whatever, and, consequently, with other Powers, were excluded from interference in anything within the scope of these relations. We still think that the sending of envoys abroad was mischievous and ill advised, as it was certain to irritate China and could in no way further the interests of Corea. True, the President of the United States has received the Corean envoy "entirely independent of the Chinese Minister," but that was to be expected; Corea's right to send envoys having been recognised by the treaty. But has Corea's position been strengthened by the dispatch of envoys to foreign powers? The expense of the missions has been considerable and the Corean treasury is notoriously always bare of funds, and the money which has been wasted on this mission would have been much better spent in the country. Moreover, the origination of the missions and their composition had a suspicious aspect. They seemed to have been made as pleasant, lucrative things for certain hangers-on of the Palace, for, beyond trying how far Corea could go with impunity, nothing could be effected by them.

We have every sympathy with a nation trying to preserve its independence, but it is not proved that Corea was independent of China, in late centuries at all events. And it is known that China has been an indulgent, even a negligent suzerain, and has in fact allowed as much liberty to Corea as Great Britain gives in these days to her great colonies. This freedom saved this country trouble in former times, but Peking failed to see when the treaties were made with foreign powers that

it was necessary for China to define and maintain her rights. A shilly-shally policy or impolicy has been the characteristic of China's dealings with Corea during the last five or six years; she has been consistent only in her weakness, and a great mistake has been made in permitting the Viceroy to continue Yuan as his representative at Seoul. During that period China's rights in Corea have been imperilled by the proposal to place the peninsula under the protection of Russia, and still more by the strengthening of the Russian party in Seoul. No doubt some of the members of the Tsung-li Yamên see that something must be done and a consistent policy adopted with Corea. But the misfortune is that the majority favour the inertia, occasionally tempered with braggadocio, which has been, and for all we know, is in favour at Tientsin. The time for that has gone by, something must be done and that quickly, or such a misfortune will befal this empire as will only be repaired by a most serious war. It will be for the benefit of both kingdoms if their relations are clearly defined and placed beyond doubt. This can be done without injury to the independence of Corea, and if the King is the patriotic and able monarch which Mr. Denny says, and as we have heard from other sources, he is, there should be no difficulty in doing this. Otherwise, as the author of the very interesting letters on the "Independence of Corea," which were published in our columns last year, pointed out, there may be attempts at the partition of Corea in which Japan and Russia will take a hand. Possibly Great Britain would in this case see that her influence and interests out here were imperilled by the present position of Corea being changed in that way. We do not believe that China has any desire to take possession of Corea, but she certainly cannot afford to see any part of it pass into the hands of other powers. A paper which was published last year in the *Contemporary Review*, and which we think represented the prevailing view among Chinese statesmen in Peking, said that geographically Corea ought to belong to China, if China were able to keep it. "But China has enough to do in taking care of her own coast line," which appears to us a very reasonable and true position. But China cannot see Corea in possession of any other power, neither can she have her as a disaffected tributary and neighbour. It seems inevitable that Corea will continue to be a hotbed of intrigue, until China adopts a firm policy with regard to her, and that Russia and Japan will strive for influence in her. China is only increasing the power of these nations and lessening her own in Corea by not taking a well defined line, maintaining her own rights and scrupulously regarding those of Corea in all matters. The recent visit of Counts Ito and Saigo to Corea indicates that the Japanese Cabinet scents danger to the peace of this part of the world in the state of affairs in Corea.

DIPLOMATIC BUREAU.
and
BUREAU OF ACCOUNTS.

DEPARTMENT OF STATE
NOV 16 1888
RECEIVED.

Sep.

Legation of the United States.

Peking. September 30th 1888.

ASSISTANT SECRETARY
BUREAU OF ACCOUNTS.
examination.
by number and file, if reported
NOV 16 1888

Mr. Charles Denby Jr. to the
Secretary of State.

Subject.

Salary account.

Two enclosures.

Sep.

Legation of the United States.

Peking, September 30th 1888.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor to enclose my account for salary for quarter ending this day, and an account for loss by exchange on the draft drawn by me against it.

I have the honor to be,

Sir,

Your obedient servant,

Chas. Denby Jr.

Enclosures.

1 & 2. Accounts.

DIPLOMATIC BUREAU.
and
BUREAU OF ACCOUNTS.

DEPARTMENT OF STATE
NOV 16 1888
RECEIVED.

Sep.

Legation of the United States.

Peking, September 30th 1888.

2D ASSISTANT SECRETARY.
TO BUREAU OF ACCOUNTS.
for examination. Duplicates-
ch. by number and file, if reported
rect.
NOV 16 1888

Mr. Charles Denby Jr. to the

Secretary of State.

Subject.

Salary Account, duplicate.

Two enclosures.

Sep.

Legation of the United States.
Peking, September 30th 1888.

To the Honorable
Thomas F. Bayard
Secretary of State
Washington, D.C.

Sir:

I have the honor to enclose duplicate statement of my account for salary for quarter ending this day, and an account for loss by exchange on the draft drawn by me against it.

I have the honor to be, Sir,
Your obedient servant,
Chas. Denby Jr.

Enclosures
1 & 2 Duplicate statements of accounts.

DIPLOMATIC BUREAU.
16

DEPARTMENT OF STATE
NOV 16 1888
RECEIVED.

No 712.

Legation of the United States.

Peking, October 1st 1888.

ASSISTANT SECRETARY
by Number and File.
NOV 16 1888
acd

Mr. Denby to the

Secretary of State

Subject

Acknowledging despatches.

No. 712.

Legation of the United States.
Peking, October 1st 1888.

To the Honorable
Thomas F. Bayard
Secretary of State
Washington, D.C.

Sir:

I have the honor to acknowledge the receipt of your despatches No. 343 of Aug. 18th and 344 of Aug. 22nd 1888.

I have the honor to be,
Sir,
Your obedient servant,
Charles Denby

DEPARTMENT OF STATE
NOV 16 1888
RECEIVED.

Dep Bur
Dec 10

No 713. ✓ One enclosure.

copied for F.R.

Letter from J.B.M. to Circ Co

Legation of the United States
Peking, October 1st, 1888.

Mr. Charles Denby
to the
Secretary of State

Subject
Chi Nan Fu Case

Synopsis
Transmits despatch to Tsung li Yamen on above subject
dated September 27th 1888.

Im Moore
Nov. 16. 1888

No 713 Ors. enclosure.

Legation of the United States.
Peking, October 1st, 1888.

Honorable Thomas F. Bayard
Secretary of State
Washington.

Sir:—

I have the honor to transmit herewith a copy of a communication which I addressed to the Tsungli Yamen on the 27th ultimo, having relation to the Chi Nan Fu case, which has formed the subject of previous despatches from this Legation to the Department.

I have the honor to be
Sir
Your obedient servant
Charles Denby

Enclosure 1.
Mr. Denby to Tsungli Yamen
September 27th 1888.

No 16. Enclosure 1. despatch 713.

Legation of the United States.

Peking, September 27th, 1889.

Mr. Denby to the Foreign Office.

Your Highness

and

Your Excellencies:

I am compelled again by urgent requests from my compatriots at Shinnan Fu, to trouble you with another statement of the pending difficulties and to ask your assistance in their settlement.

It is more than eight months since this matter was first called to the attention of Your Highness and Your Excellencies yet nothing has been done towards arranging it.

No

No steps have been taken to investigate the circumstances of the riot in any judicial proceeding and none of the rioters have been arrested or punished, though their names are well known to the authorities and to this Legation. We have patiently waited until the examinations are over and now there seems to be no reason for further delay.

April 6th 1888, Your Highness and Your Excellencies addressed to me this language. "If the said missionary wishes to find another place a suitable house for a hospital he can at any time with the local officials discuss the action to be taken. The Yamen will also address the Governor of Kiangsu to render

assistance

assistance in devising a plan of action, but if property can not be acquired at once the missionaries then will only have to be forbearing and wait, and not show a hasty temper."

July 3rd 1888, Your Highness and Your Excellencies had the kindness to write to me the following.

"The Yamen, now besides having communicated the foregoing to the Governor urging the officials of said Province to properly manage the case, as in duty bound sends this note, &c. &c."

As the result of these orders issued by Your Highness and Your Excellencies an interview took place between the missionaries

and

and the Tartai, but nothing came of it.

The Tartai does not seem to regard that any responsibility rests on him, notwithstanding the orders of Your Highness and Your Excellencies.

I have the honor to request that the Governor be directed to grant Rev: Gilbert Reid an interview, because we have no Consul at Chi Nan Fu, and an oral discussion might lead to a settlement.

The clear idea was expressed by Your Highness and Your Excellencies, that an Exchange of property might be made. The Missionaries are still willing for an Exchange.

Yes

The officials excuse themselves by saying that they can find no property, and the people are intimidated from selling, or renting to the missionaries directly. I recognize the difficulty of purchasing houses in the city, but I am advised that there would be no difficulty in purchasing open land in the East, South, or West suburbs. It is only necessary that a guaranty be given of protection and that there will be no maltreatment or imprisonment of a vendor, and that the people become assured that the officials are really willing that they may sell to the foreign religious and charitable association.

If an Equitable and just exchange cannot be made whereby the original landlord and vendor would lose nothing on account of his trade, then the best plan would be to confirm the missionaries in the possession of the original tract purchased.

Your Highness and Your Excellencies are in possession of all the facts attending the original purchase. But it would seem that when one man is willing to sell, and other want to buy, and the transaction was at least tolerated by the authorities, and promises were made to seal the deeds, that the transaction

ought

ought to be completed in spite of the opposition of a few of the gentry. I am informed that the landlord has been compelled to make a deed disposing of the property to the ringleaders of the riot. I believe that this is contrary to Chinese law as long as the deed of the first sale is in the hands of the missionaries and the money has been actually transferred. It seems to me that no attention whatever has been paid to the orders of Your Highness and Your Excellencies.

I would be glad if additional strict orders were issued by Your Highness and Your Excellencies for a just and equitable and

satisfactory

satisfactory management of all the points and a speedy termination of this troublesome case. The matter creates scandal, greatly retards the work of the missionaries and is injurious to their well-being and health, ~~and health~~, and tends to produce public disorders.

On all accounts it ought to be speedily settled.

I respectfully request that the Taotai be directed to grant the missionaries an interview and to hear their petitions.

I beg him to suggest that in settling this missions case it would be better to issue specific orders either to grant

grant an exchange of sites, or to confirm the original purchase. General instructions to manage seem to produce little results.

Trusting that Your Highness and Your Excellencies will favorably consider the foregoing requests, I avail myself of this opportunity to renew to Your Highness and Your Excellencies the assurance of my highest consideration.

(signed) Charles Denby

DEPARTMENT OF STATE
NOV 16 1888
RECEIVED.

DIPLOMATIC BUREAU.

No 714. One Enclosure.

Legation of the United States,
Peking, October 2d, 1888.

2D ASSISTANT SECRETARY.
Note as usual [Mr. Taylor]
Ack. by Number and File.
NOV 16 1888 aas

Mr. Charles Denby
to Mr.
Secretary of State

Subject.
International Marine Conference

Synopsis
Enclosure despatch from Tseng
Li Yamen on the subject.

No 714. One Enclosure.

Legation of the United States
Peking, October 2nd, 1888.

Honorable Thomas F. Bayard
Secretary of State
Washington

Sir:—

Adverting to my despatch No 702, of date the 19th of September last, I now have the honor to enclose for your information a copy of a despatch which I received yesterday from the Foreign Office, by which you will observe that the Tsungli Yamen will address the Chinese Minister at Washington in regard to representing China at the proposed International Marine Conference.

714.

I have the honor to be
Sir
Your obedient servant
Charles Denby

Enclosure 1.
Tsungli Yamen to Mr. Denby
October 1st, 1888.

No 11. Enclosure 1. despatch 714.

The Tsung li Yamen
to Mr. Denby
Peking, October 1st, 1888.

Your Excellency:—

The Prince and Ministers had the honor on the 19th of September, ultimo, to receive a despatch from Your Excellency to the effect that in pursuance of an Act of Congress an International Marine Conference of delegates from all nations will be held at the city of Washington on Wednesday the 17th of April 1889.

Your Excellency sent a translation of a memorandum (of the objects of the proposed Conference) and

enclosed

Extended an invitation to China to send delegates to the end that they may take part in the deliberations. Your Excellency's despatch has received the careful perusal of the Yamen.

As to the sending of delegates by China to the said Conference the Prince and Ministers will write to His Excellency Chang, Chinese Minister at Washington to deliberate and act in the matter.

A necessary communication addressed to

His Excellency

Charles Denby

&c, &c, &c,

DEPARTMENT OF STATE
NOV 16 1888
RECEIVED.

DIPLOMATIC BUREAU.
and
BUREAU OF ACCOUNTS

No 715. On Endorsement.

Legation of the United States
Peking, October 2d 1888.

2D ASSISTANT SECRETARY
TO BUREAU OF ACCOUNTS.
for examination.
Ack. by number and file, if reported correct.
NOV 16 1888 aae

W. Charles Denby
to the
Secretary of State

Subject.
Salary Account for
Quarter Ending 30 September
1888.

No 715. One Enclosure.

Legation of the United States
Peking, October 2nd 1888.

Honorable Thomas F. Bayard
Secretary of State
Washington.

Sir:—

I have the honor to hand
715 you enclosed a statement of my
salary account for the quarter
ending the 30th of September 1888.

I have the honor to be,
Sir,
Your obedient Servant
Charles Denby

Enclosure 1.
statement as above.

DEPARTMENT OF STATE
NOV 16 1888
RECEIVED.

DIPLOMATIC BUREAU.
and
BUREAU OF ACCOUNTS.

No. 716. Orig. Enclosure.

2D ASSISTANT SECRETARY,
TO BUREAU OF ACCOUNTS,
for examination.
Ack. by number and file, if reported correct,
NOV 16 1888 ak

Legation of the United States.
Peking, October 2d, 1888.

Mr. Charles Denby
to the
Secretary of State

Subject.
Rent Account for
Quarter Ending 30th
of September 1888.

No 716. One Enclosure.

Legation of the United States.
Peking, October 2d, 1888.

Honorable Thomas F. Bayard.
Secretary of State
Washington.

Sir:—

I have the honor to hand
716. you enclosed a statement of the
Post Account of this Legation
for the Quarter ending the 30th
of September 1888.

I have the honor to be,
Sir,
Your obedient Servant
Charles Denby

Enclosure 1.
Statement as above.

DIPLOMATIC BUREAU.
and
BUREAU OF ACCOUNTS.

DEPARTMENT OF STATE
NOV 16 1888
RECEIVED.

No 717. One Enclosure.

2D ASSISTANT SECRETARY,
TO BUREAU OF ACCOUNTS,
for examination.
Ack. by number and file, if reported correct.
NOV 16 1888

Legation of the United States.
Peking, October 3d, 1888.

Mr. Charles Denby
to the
Secretary of State

Subject
Enclosing account for
Contingent Expenses for Quarter
Ending September 30th, 1888.

No 717. One Enclosure.

Legation of the United States.

Peking, October 3d, 1888.

Honorable Thomas F Bayard

Secretary of State

Washington.

Sir:—

I have the honor to hand

717 you enclosed a statement of my account for Contingent Expenses for the Quarter Ending the 30th of September 1888.

I have the honor to be

Sir,

Your Obedient Servant

Charles Denby

Enclosure 1.

Statement as above

DIPLOMATIC BUREAU.

DEPARTMENT OF STATE
NOV 16 1888
RECEIVED

DIP 16

No 718. One Enclosure

2D ASSISTANT SECRETARY.
Passport Clerk will note
Ack. by Number and File.
NOV 16 1888

Legation of the United States
Peking, October 3d, 1888.

Mr. Charles Denby
to the
Secretary of State

Subject
Enclosing Return of
Passports for Quarter Ending
September 30th, 1888.

No 718 One Enclosure

Legation of the United States
Peking, October 3d 1888.

Honorable Thomas F Bayard
Secretary of State
Washington.

Sir:—

I have the honor to hand you enclosed a Return of the Passports issued at this Legation during the quarter ending September 30th 1888.

I have the honor to be,
Sir,
Your obedient Servant
Charles Denby

Enclosure 1.
Return as above.

Return of Passports issued

No	Name	Date	Age	Height	Eyes
536	George Campbell	Aug 7	29	5.9	blue
537	John M Foster	" "	31	5.8½	blue
538	Andk B Fellows	" 20	38	5.11	light

3 passports @ $1. each = $3.–

Legation of the United States
Peking, September 30th, 1888

during the Quarter Ending the 30th September 1888.

Nose	Hair	Face	Complexion	
ordinary	brown	full	fair	
ordinary	brown	oval	fair	
straight	light	round	light	

Geo. E.

Charles Denby
United States Minister

DEPARTMENT OF STATE
NOV 16 1888
RECEIVED.

DIPLOMATIC BUREAU.
and
BUREAU OF ACCOUNTS.

No 719. Ord Enclosure.

Legation of the United States.
Peking, October 3d, 1888.

2D ASSISTANT SECRETARY,
TO BUREAU OF ACCOUNTS,
for examination.
Ack. by number and file, if reported correct.
NOV 16 1888

Mr. Denby
to Mr.
Secretary of State

Subject.

Enclosing duplicate telegram account from September 5th to 23d inclusive.

No 719. One Enclosure.

Legation of the United States
Peking, October 3d, 1889.

Honorable Thomas F. Bayard
Secretary of State
Washington.

Sir:—

I have the honor to
hand you enclosed a duplicate
719. statement of my telegram account
from September 5th to September
23d 1888.

I have the honor to be,
Sir,
Your obedient servant
Charles Denby

Enclosure 1.
Duplicate statement as above.

See Mr. D. No 796 Nov 21. 88

Dep Bur 7

DEPARTMENT OF STATE
NOV 16 1888
RECEIVED.

No 720.

Legation of the United States.

Peking, October 3rd 1888.

Acknd. Nov. 19. Ans'd

Mr. Denby to the

Secretary of State.

Subject.

Revd Gilbert Reid's claim.

Synopsis.

Mr. Reid claims damages for injuries received at Chinanfu Nov. 28th 1887. Copy of claim enclosed with some remarks thereon.

2d ASSISTANT SECRETARY.

NOV 16 1888

Respectfully referred to
The Solicitor.

Letter to Mr. Denby as hereunder.
Nov. 16. 1888.

Mr. Denby sat in this case as a judge familiar with the circumstances to degree far beyond our opportunities, and giving to the case anxious and thorough thought. These thought to be strong grounds presented to justify us in reversing the decision to which he has come adverse to the claimant. I see no such grounds in these documents & I would recommend, therefore that he be so informed, and that he be instructed to advise the claimant accordingly.

Nov. 16

One enclosure.

No 720.

Legation of the United States.

Peking, October 3rd 1888.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor to enclose, herewith, a copy of the claim of Revd Gilbert Reid for injuries done to him by a mob at Chinanfu, Nov 28th 1887.

1/720

I do not send abstract thereof, because the matter has already been presented to you in divers despatches and I prefer that, without abbreviation,

you

you pass upon the claim as he presents it.

I respectfully ask your instructions as to the disposition to be made thereof.

I have no desire to prejudice Mr. Reid's claim, but justice and duty demand that I shall make a few observations thereon, with the purpose, simply, of informing you of the facts of the transaction on which the claim is more or less based.

While it is sound policy and exalted governmental duty, to throw around our citizens in China the most thorough protection, it is questionable whether the mere fact of injury

received

received at the hands of a mob, does, in every case, raise a proper cause for the reclamation by our Government for damages against the Chinese Government.

In such cases it is proper to enquire whether the recklessness or violation of law, by the claimant, tended to cause the injury complained of. The doctrine of contributory negligence, so prevalent in our courts, does not apply, of course, to injuries wilfully and negligently inflicted. The wanton and wilful wrong-doer is liable, though his victim was himself negligent. Being himself slightly to blame, the sufferer may

sue

still recover against one who commits brutal and wilful violence against him.

Thus the right of Mr. Reid to recover against the individuals of the mob who assaulted him may not be disputed. But his right to recover against the Chinese Government for the acts of it's subjects depends on the question whether the local authorities were negligent in the discharge of their duty of protection. If it should appear by the facts that the injured party was acting, at the time that he received the injuries complained of, contrary to law, and especially contrary to

a

a distinct warning from the officials, it would seem that he could not demand from these officials any compensation.

During the term of my predecessor, it happened that two Americans were warned not to travel on a certain road because it was dangerous. They did so travel, nevertheless, and were robbed. Mr. Young declined to intervene to secure compensation for them.

The following facts are applicable to this statement of the law.

Mr. Reid's deeds had not been sealed.

Art.

Art XII of the treaty of June 18th 1858 has this provision: "The legal fees to the officers for applying their seals shall be paid."

I have before me the original statement made to this Legation touching this transaction. It was received in December 1887, and it is signed by Messrs Reid, Bergen and Coltman, all the members of the Presbyterian Mission at Chi-nan-fu. I copy the following sentences:

"The very last day the "magistrate and two "special deputies sent their "cards saying that the

money

"money would be returned
"to us and nothing
"more would be said
"about the property. This
"was the result of the
"months opportunity allowed
"them to effect an exchange.
"Upon this, the landlord's
"family having agreed to
"our taking possession, we
"notified the Taotai that
"the time having expired
"one of us would go in
"the evening to the property
"and take charge of it".

It thus appears most distinctly that notice was given that the purchasers could not have the property, that the

Trade

trade was rescinded and the money would be refunded.

Whatever you may hold Mr. Reid's rights to be, it is impossible, I think, to conclude that he had, after this notification, the legal right to the possession of the premises by his own act.

It is true that there is an averment that the family had consented to the entering and possession, but what member of the family had so consented is not stated. Besides the owner of the property had been incarcerated and was still in jail because he had made the sale. He did not consent

and

and how his family could legally do so is not apparent.

According to Mr. Reid possession was taken "about dusk". The local authorities claim that the entry was made between 9 p.m. and 1 a.m., and the facts tend to corroborate them.

Such an entry by a foreigner on the premises in the occupation of a private family, even at dusk, was contrary to Chinese usage and etiquette.

I must frankly say that the conduct of Mr. Reid now and heretofore, does not demand approbation.

While the more important part

part of the transaction, involving the effort on my part to secure either the property bought, or other lots in exchange, is still being persistently urged by me, this merely personal claim is pressed upon me. You will see by my despatch No 713, of the 4th inst, that I am still urging the Yamen to grant substantial relief.

A specific prayer for damages is not a material part of any declaration or complaint, but this one is so remarkable that it demands attention. Mr. Reid wants Taels 500 for being violently expelled from the property:

for

for assault taels 1000; for failure of Taotai to protect he demands a proclamation; for loss of services to the Mission, etc taels 500; for the long delay of the authorities taels 500; for loss of rent, at taels 5 per month from Nov. 28th 1887, to date of final adjustment.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosure.

1. Mr. Reid's Claim, Aug 17th '88.

Copy — Enclosure 1 in No 720.

Claim.

Chinanfu, China, Aug 17th/88.

To H. E. the U. S. Minister Plenipotentiary,

Hon. & Dear Sir:

It becomes my duty to herewith present a Memorial "setting forth minutely and particularly the facts and circumstances from which the right to prefer" a claim is derived by myself, the claimant.

I, Gilbert Reid, said claimant, have always been and am still a citizen of the United States, & subject thereto; & now, as well as when the claim had its origin, am domiciled in the city of Chi-nan-fu, the Province of Shantung, the Empire of China. I was born in Franklinville, Long Island, Nov 29th 1857 & am therefore 31 yrs of age. Since Oct. 1882, I have been a missionary of the American Presbyterian Board to China, to the Province of Shantung.

The

"The principles and causes which lie at the foundation of the claim" as well as "the facts and circumstances attending" the case are as follows:

The right to secure property in the city of Chinanfu having been clearly granted by the Governor and local authorities, the Presbyterian Mission, on the 31st of Aug 1887, took a perpetual lease of a certain piece of property in the south-east suburb of the city. On the 1st of Sept., the District Magistrate was ordered by his superior, the Taotai, to stamp said deed, if on examination no clandestine illegality should be discovered. On successive examinations, the original landlord, the go-betweens, and myself, acting for the mission, along with the adjoining neighbors, were all examined and no illegality was discovered. The Magistrate and a co-acting deputy at

different

different times ordered that said property should be recognized as the property of the Mission. After an unaccountable and needless delay of two months, certain gentry of the city interfered and objected to such a transfer of property. Therefore, by the urgent request of the Magistrate and two deputies, opportunity was given them, for the sake of peace, to make an equitable and satisfactory exchange in one month's allotted time; & in case of failure, the Mission insisted on possession of the original property. As the month drew near it's close, it became evident that the said officials were making no effort to carry out their propositions; & so a petition, recounting the whole case, was sent to the Taotai, insisting on possession of said property at the end of the month. Thus a period of three months was allowed as

a

a notice to give up the property, such a period being required by Chinese Custom in the case of a lease. Receiving no reply from the Taotai, the amount of money, still due the original landlord, was turned over to his account on the 28th of Nov., and another petition was sent to the Taotai saying that I intended that evening to go and occupy one room at the house already leased, & requesting him to order the local Magistrate to render protection & assistance, such being the particular phraseology of the Passport which I have in my possession. About dusk, according to previous arrangement, I went to and quietly entered the house to occupy one room. I exhorted the different tenants to occupy for the present their respective quarters & have no fear or anxiety.

In

In a short time a rabble began to gather and certain ring leaders, unconnected with the property, having entered the house, forcibly ejected me therefrom. I again managed to enter being followed by a larger crowd. Some picked up clubs, some brick-bats and the rest with yells and hoots once more ejected me therefrom. Once outside, I was forcibly thrown to the ground, & my head received over the left temple a contusion either the result of a stone or the blow of a fist. Rising I was again hurled to the ground stones flying around me and some taking effect. Amid the rough assault of the crowd of upwards of 200 men I was soon too exhausted to move and so lay myself down in a half unconscious state. I received no further injuries except a few scratches on the hands and

bodies

body and a pain in the back which lasted for upwards of a month. The uproar and ridicule continued for nearly an hour, till the constable himself at last came & helped me away.

Word having gone into the city, one of my colleagues, the Rev. P. D. Bergen, went to the Taotai's yamên but was refused an interview assistance or protection. He then went to the Magistrate's Yamên & likewise could gain no interview. After much delay, some of the underlings went out of the city but the Magistrate remained at home.

The next day I sent a petition to the Taotai, citing the names of the ring-leaders and asking for their punishment, but to this day the parties have not been arrested.

The officials, contrary to Chinese etiquette, delayed for three days

To

to come and examine my wounds; and even then, instead of any kind of regret or sympathy, coolly declared to my face, & in the presence of the physician, Dr. Robert Coltman, that there had been no riot and that I was uninjured.

In the month of December (1887) the American missionaries at Chi-nan-fu referred the whole case to the U.S. Legation, & made certain definite requests. These requests, with the exception of a claim for redress, were made by the U.S. Legation of the Chinese Government. One of these requests, having a bearing upon the present claim, was that the ring-leaders in the riot should be punished; & as this is plainly in accordance with the treaty & will doubtless be enforced by the action of the Legation, it is unnecessary to

further

further refer to the point in the present memorial.

In the United letter of the — missionaries to the U.S. Legation, in Dec. of last year, it was not only requested that "the ring-leaders in the riot should be punished", but that "redress be given for the injuries inflicted". Owing to the regulations of the State Department of the U.S. Government, the Legation could take no definite action on the representation of the mission further than that of general reference, it being required that a definite claim be made by the party especially concerned, i.e. by myself. It has been my hope that the matter might be amicably adjusted in some satisfactory way by the provincial authorities, without the necessity of a formal process of law. Having waited for some months for some such

method

method of peace, I at last personally drew the notice of the Taotai, and through him of the Governor to the importance of giving some form of redress; but in the reply of the Governor, while replying to other points, no reference was made to the question of redress. Up to the present, not so much as regret or apology has been rendered, and, therefore, for the sake of my own sense of honor, as well as the safety of my colleagues & the good name of the U.S., I at last follow the previous wish of the Mission and present this memorial, with the particular grounds of a claim and the form and amount of compensation.

I wish to note especially that there can be no denial of the fact that an American citizen was subject to mob-violence and was publicly assaulted and insulted, and this too, by parties

who

who had no legal connection with the property concerned. I also wish to note that this fact is known not only throughout this city, but largely among the officials of the whole Province & that the ring-leaders in the not continue still to boast that an American at least may be maltreated and insulted, without harm to themselves. In all this it is plain that all Americans in this Province, and wherever this case is known, are liable to similar, if not greater maltreatment and insults, unless legal redress be clearly and effectively secured. It is also plain that in all this, the U.S. Government is being despised, it being supposed that the power or inclination of the Government is not sufficient to secure for her citizens in China constant and proper protection and respect. I, therefore, dare not delay any longer in

the

the presentation of this memorial.

It is evident that, as the claim is not so much one of loss of property, as loss of honor and respect, and danger to security of life and property in the future, that the form of compensation should more naturally be one of respect than one of money; but owing to the difficulty of securing such a result from the seldom occurrence of such a precedent, I adopt the more usual form, it likewise being my intention, should the claim be sanctioned by the U.S. Government, that the money received shall revert to the Presbyterian Mission, rather than to myself, since, were it not that this case has serious bearings on others, I would in no wise press for justice and recompense. The claim is in my own right, but for the peace, honor and safety of my fellow countrymen.

In

In a letter of the U. S. Legation in the year 1882, to the State Department, the statement is made, and subsequently sanctioned by the State Department, that "under no circumstances will the "Government of the United States "allow it's citizens, whether residing "within or without the so-called "Treaty-limits, to be subjected "to mob-violence, to be violently "expelled from this or that district "by illegal means, to have their "lives or property jeopardized in "any manner except by due process "of law."

I, therefore, present the following requests for compensation: —

First, that for being violently expelled from a property legally transferred to the Mission, there be a compensation, say, of 500 taels.

Second, that for public assault and insult, a compensation be made,

say

say, of 1000 taels.

Third, that for failure of the Taotai to render protection on receipt of my Petition, and on personal application of the Revd P. D. Bergen, the Taotai be required to issue a proclamation guaranteeing and enjoining peace and protection in the future.

Fourth, that for loss of services to the Mission, and necessary expenses incurred, at least for six months to the end of April 1888, there be a compensation say of 500 taels.

Fifth, that for the insult given by the long delay of the Provincial authorities to render justice or give protection — now upwards of eight months — there be a compensation say of 500 taels.

Sixth, that for the loss of rent on the house, now certified by deed to legally belong to the mission, there be a compensation of 5 taels

per

per month from Nov. 28th 1887 up to the date of final adjustment.

For the proper and just settlement of these six points in the present claim, I hereby request the interposition of the United States Government against the Government of China.

Thanking you for all your assistance & hoping for a speedy enforcement of law & honor, I remain, Sir,

Your obedient servant,
(signed) Gilbert Reid.

To
the Rt. Hon. Charles Denby, Esq.
U. S. Legation,
Peking.

Affirmation.

I do hereby solemnly affirm that the facts and statements of the above claim are the truth, the whole truth and nothing but the truth.

(s'g'd) Gilbert Reid

Chinanfu, August 17th 1888.

Witnesses { (s'g'd) John Murray.
Paul D. Bergen.

We hereby certify, that we have no personal interest in the above claim. And we further certify to the credibility of the above claimant.

(s'g'd) John Murray
Paul D. Bergen

DEPARTMENT OF STATE
NOV 16 1888
RECEIVED.

DIPLOMATIC BUREAU.
and
BUREAU OF ACCOUNTS.

Separate. One enclosure.

Legation of the United States.
Peking, October 4th, 1888.

2D ASSISTANT SECRETARY.
TO BUREAU OF ACCOUNTS,
for examination.
~~Indexed by number and~~ file, if reported correct.
NOV 16 1888 aee

W. F. S. Spencer
to the
Secretary of State

Subject
Enclosure a/c for loss by Exchange, for Quarter Ending 30th of September

Separate One Enclosure.

Legation of the United States.

Peking, October 4th, 1888.

Honorable Thomas F Bayard
Secretary of State
Washington.

Sir:—

I have the honor to hand you enclosed a statement of my account for loss by Exchange for the Quarter Ending the 30th of September 1888.

I have the honor to be,
Sir,
Your obedient Servant
F. D. Chester.
Interpreter of Legation

Enclosure 1. Statement as above.

DEPARTMENT OF STATE
NOV 16 1888
RECEIVED.

DIPLOMATIC BUREAU,
and
BUREAU OF ACCOUNTS.

Separate One enclosure

2D ASSISTANT SECRETARY.
TO BUREAU OF ACCOUNTS,
for examination.
~~Note by number and file, if reported~~
correct.
NOV 16 1888

Legation of the United States.
Peking, October 4th, 1888.

Mr. F. D. Chester
to the
Secretary of State

Subject
Enclosed Salary Account
for Quarter Ending
the 30th of September 1888.

Separate. One enclosure.

Legation of the United States,
Peking, October 4th 1888

Honorable Thomas F. Bayard,
Secretary of State
Washington

Sir:—

I have the honor to enclose a statement of my salary account for the quarter ending the 30th of September 1888.

I have the honor to be,
Sir,
Your obedient servant
F. D. Chester
Interpreter of Legation

Enclosure 1. Statement as above.

DIPLOMATIC BUREAU.

DEPARTMENT OF STATE
NOV 16 1888
RECEIVED.

This book comes not to hand in the Dept by Crites Dec 24, 1888. 16

No. 721.

2D ASSISTANT SECRETARY.
Send the Calendar to Secy of Interior for Bureau of Education
NOV 16 1888
Act accordingly.

Legation of the United States.

Peking, October 4th 1888.

Mr. Denby to the

Secretary of State

Subject.

Transmits the triennial catalogue of the Tung Wen College with remarks thereon.

One enclosure.

No 721.

Legation of the United States.

Peking, October 4th 1888.

Copied for F.R.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor to enclose, herewith, a copy of the Biennial Calendar of the Tung Wen College. This Institution has heretofore received the commendation of the Ministers of the United States in which I heartily join.

This under the superintendence of H. I. H. Prince Ch'ing and

the

the Ministers for Foreign Affairs, with Sir Robert Hart as Inspector ex officio.

The President, as you well know, is our fellow citizen Dr. W. A. P. Martin. There are professors of Chemistry, and Natural History, Mathematics, Medicine and Physiology, Astronomy and Meteorology, English, French, German, Russian and Physics. Chinese is taught by three professors and several tutors.

The students are classified as follows; in the English course 32; in French 30; in Russian 17; in German 16; in Astronomy 5; in physics 4; in mathematics

20; in International Law 9; in chemistry 20; and in medicine 9.

I had the pleasure of examining the students of French and found them very well advanced and instructed. At the triennial examination successful competitors receive marks of official distinction, and conspicuous merit secures the first step in the nine degrees of official rank. Promotion in the public service ensues.

Students are much engaged on interpretorial duties and aid in the translation of foreign books. They are often sent abroad to the various embassies.

Twenty-one are now serving in this capacity.

The full course covers eight years. During the first year the amount allowed to each student by the Government is Taels 3 per month. This amount is increased in proportion to the length of service and capacity. A student sent abroad receives Taels 100 per month, which sum for student interpreters is increased to Taels 150.

Candidates to a competition in mathematics are hereafter to be admitted to the general governmental examinations.

It is proper to mention in

this

this connection that Dr/ J. Edkins has completed the translation of sixteen volumes of science primers. Copies have been presented to the Emperor who is supposed to be engaged in the study thereof.

Have the honor to be,

Sir,

Your obedient servant;

Charles Denby

Enclosure

1. Triennial Calendar of the Tsinguen College. Peking 1888.

[Sent under seperate cover]

file

Dep Bern
20

DEPARTMENT OF STATE
NOV 16 1888
RECEIVED.

No 722.

Legation of the United States.

Peking, October 4th 1888.

Mr. Denby to the

Secretary of State.

This has been sufficiently answered by instructions sent a fortnight since. Ack'd by mail & no file. 19 Nov. 1888

Subject

Power of Ministers in the East to legislate.

Noted Nov. 16. 1888

Synopsis

Cites Sec 5 N.W. Ordinance as a precedent.

No 722.

Legation of the United States.
Peking, October 4th 1888.

To the Honorable
Thomas F. Bayard
Secretary of State
Washington, D.C.

Sir:

As a further argument in support of my recommendation that you construe Sec. 4086 R.S. as conferring the power of legislation on United States Ministers in the East, I beg leave to cite the following important precedent:

The fifth section of the ordinance for the government

of

of the North-west Territory
(See R.S. p.13) reads as follows:
"Sec 5. The governor and
"judges, or a majority of them,
"shall adopt and publish
"in the district such laws
"of the original States,
"criminal and civil, as may
"be necessary and best
"suited to the circumstances
"of the district, and report
"them to Congress from time
"to time, which laws shall
"be in force in the district
"untie the organization of
"the general assembly therein,
"unless disapproved of by
"Congress; but afterwards the
"legislature shall have
authority

"authority to alter them
"as they shall think fit.

I have the honor to be,
Sir,
Your obedient servant,
Charles Denby

DEPARTMENT OF STATE
NOV 16 1888
RECEIVED.

No 723. One Enclosure.

Acks. Mess. J.P.M. Dec 10 Cipher

Legation of the United States.
Peking, October 6th 1888.

Mr. Charles Denby
to the
Secretary of State

Subject
Chi Nan Fu Case.

To Mr. Tucker Nov. 16 1888

Synopsis
Enclosure reply of Yamen to last communication of Minister. Suggests whether a member of the Legation should go to Chi Nan Fu.

No 723. One Enclosure.

Legation of the United States.

Peking, October 6th 1899.

Honorable Thomas F Bayard.

Secretary of State

Washington

Sir:—

I have the honor to enclose herewith a translation of the reply of the Yamen to my communication which was sent to you in my despatch No 713 of October 1st, relating to the Chi Nan Fu troubles.

The Yamen gives an abstract of a note from the Governor of Shantung wherein he sets up various excuses for not procuring property for the American Missionaries. These excuses are, mainly: the

crowded

crowded condition of Chi Nan Fu, owing to the migration of Yellow River sufferers, and the assemblage of students.

There is nothing whatever in them, and they are intended for delay.

The Yamen still professes a willingness to aid the missionaries but it does not agree to issue the position orders which I demanded. It repeats again its usual advice that "Mr Elliot Reid be easy and complaisant, wait quietly and not show a hasty temper"

I have communicated to Mr. Reid the substance of this despatch, but I have little hope that he will take kindly these appeals to his

patience

patience.

I infer from the whole document that there is not much probability of settling this controversy by securing for the missionaries the land which they desire for hospital purposes within any short period of time. Possibly a general settlement of the various questions pending between the two countries may include this troublesome affair.

The only other plan which occurs to me is to go myself accompanied by the Interpreter of the Legation to Chikan Fu, or to send him, or the Second Secretary, to confer personally with the local authorities.

Should you deem this made

of

of action, I ask authority to draw on you for the expenses of the trip.

I have the honor to be,

Sir,

Your obedient servant

Charles Denby

Enclosure 1.

Hunghi Yamen to Mr. Denby

6 October 4th 1888

No 12/1888. Enclosure 1. Despatch 723.

The Tsung li Yamen

to Mr. Denby

Peking, October 4th, 1888.

Your Excellency:—

The Prince and Ministers have the honor to state in reply that in the case of the missionaries purchasing property at Shi Kan Tu, on the 27th of September ultimo, they received a communication from Your Excellency (having relation to it) and have read all the points submitted therein.

The Yamen at the same time also received a note from the Governor of Shantung to the following effect:—

"Since the return of the American

Missionary

missionary to Chi Nan Fu, the Governor has speedily instructed the Taotai, Prefect, and Magistrate, without delay to assist the missionaries in managing the matter. But there is no help for it, the city of Chi Nan Fu and suburbs are narrow in Extent and the people crowded together; in addition to this, owing to the Yellow River famine during the past succeeding years the people of the neighbouring districts have migrated hither in confused number, so that still further there is no vacant place in the city and suburbs.

During the years when the Provincial Examinations are held the students assemble in crowds,

(and

and so must) consider that there still more (much) house accommodation left with a full population.

Again when the people are in numbers there is all sorts of talk, and it is no difficult matter for trouble or disturbance to occur: to act in a hurry is not an easy task."

In regard to this case the Yamen has repeatedly sent instructions to the said persons urging that assistance be rendered to bring about a satisfactory management thereof. The Prince and Ministers have now received the Governors reply giving all the circumstances. At the said place there is difficulty in taking action in

the

the premises, but it is not that the officials have the intention of evading the performance of their duty.

In a word: there are numbers of Chinese scholars and people who have no faith or belief in the western doctrines of Christianity, and they are unable to regard the Missionaries from Western Countries in the same light, or manner as foreign merchants engaged in trade; troubles frequently happens and the local authorities have difficulty in showing them the right way.

In this matter, it is necessary to be indulgent for awhile and wait until a suitable opportunity comes to take satisfactory action.

The Yamen will again address the Governor of Shantung to adopt a plan of action in the hope that the matter may be settled.

The Prince and Ministers hope that Your Excellency will instruct the Rev Gilbert Reid to be easy and complaisant to wait quietly and not show a hasty temper.

A necessary communication addressed to

Her Excellency
Charles Denby

&c, &c, &c,

DIPLOMATIC BUREAU.

DEPARTMENT OF STATE
NOV 16 1888
RECEIVED.

No 724.

Legation of the United States.

Peking, October 7th 1888.

2D ASSISTANT SECRETARY.
Ack. by Number and File.
NOV 16 1888

Mr. Denby to the

Secretary of State

Subject

Acknowledging despatches.

No 724.

Legation of the United States.
Peking, October 7th 1888.

To the Honorable
Thomas F. Bayard
Secretary of State
Washington, D. C.

Sir:

I have the honor to acknowledge the receipt of your despatches numbered, 345 of Aug. 25th, 346 of Aug 27th and 347 of Aug 30th, 1888.

I have the honor to be,
Sir,
Your obedient servant,
Charles Denby

DEPARTMENT OF STATE
NOV 16 1888
RECEIVED.

DIPLOMATIC BUREAU.

No 725. Pass. Endorsement.

Legation of the United States.
Peking, October 8th, 1888.

2D ASSISTANT SECRETARY.
Passport Bureau will note
Ack. by Number and File.
NOV 16 1888

Mr. Charles Denby
to the
Secretary of State

Subject.

Enclosing Application for Passports which was omitted to be enclosed in despatch No 718, of 3d of October 1888.

No 725. Hon Endorsement.

Legation of the United States
Peking, October 8th, 1888.

Honorable Thomas F Bayard.
Secretary of State
Washington.

Sir:—

I have the honor to enclose
725. Hon Passport Application which was
inadvertently omitted to be enclosed
in my despatch No 718, of 3d instant
covering Return of Passports for
last Quarter.

I have the honor to be,
Sir
Your Obedient Servant
Charles Denby

Enclosure 3 — Passport Application as above.

Special

#536

NATIVE.

No. Issued, Peking, 18

Applicant: Rev. George Campbell.

I hereby apply to the Legation of the United States at Peking for a passport for myself, my wife and minor children, as follows: I was born at St. Charles, Illinois on the 9th day of June 1858 and my wife was born at Vermont, Ohio on the 30th of January 1862, and my three children Louise, Miriam and Paul Hartman were born on the 16/3 83, 25/3 1885 and 1/4 1887.

In support of the above application I do solemnly swear that I was born at St. Charles, Illinois on or about the 9th day of June 1858 that my father is a native citizen of the United States; that I am a native and loyal citizen of the United States, temporarily residing at Suiting, China; that I left the United States on the 30th day of September 1887; that I am the bearer of Passport No. —— issued by —— on the —— day of —— 18 ; and that I desire the passport for the purpose of serving as missionary of the American Baptist Mission in the Provinces of Kwangtung, Kwangsi, Kiangsi, & Fokkien.

George Campbell

OATH OF ALLEGIANCE.

Further, I do solemnly swear that I will support, protect and defend the Constitution and Government of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without mental reservation or purpose or evasion: So help me God.

George Campbell.

Consular Agency OF THE UNITED STATES AT Suiting, China,

Sworn to before me, this 30th day of June 1888.

Baron von Seckendorff
U.S. Consular Agent, Suiting, China

DESCRIPTION OF APPLICANT.

Age:	29 years.	Mouth:	ordinary
Stature:	5 feet 9 inches.	Chin:	ordinary
Forehead:	high	Hair:	brown
Eyes:	blue	Complexion:	fair
Nose:	ordinary	Face:	full

Chinese name is 甘武

IDENTIFICATION.

U.S. Consular Agency, Suiting, June 30th 1888

I hereby certify that I know the above named Rev. George Campbell personally, and know him to be a native born citizen of the United States, and that the facts stated in his affidavit are true to the best of my knowledge and belief.

Baron von Seckendorff.
U.S. Consular Agent
Suiting, China

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#537

NATIVE.

No. Issued, Peking, 18

Applicant: Reverend John M. Foster, of Canton, China

I hereby apply to the Legation of the United States at Peking for a passport for myself, ~~my wife and minor children~~, as follows: I was born at Portland, Maine on the 21st day of July 1857 and

In support of the above application I do solemnly swear that I was born at Portland Maine on or about the 21st day of July 1857 that my father is a native citizen of the United States; that I am a native and loyal citizen of the United States, temporarily residing at Canton, China; that I left the United States on the 29th day of November 1887; that I am the bearer of Passport No. issued by on the day of 18; and that I desire the passport for the purpose of service in the Province of Kwang-tung, Kwang-Si, Kiang-Si & Fokkien, as a Missionary of the American Baptist Mission

John M. Foster

OATH OF ALLEGIANCE.

Further, I do solemnly swear that I will support, protect and defend the Constitution and Government of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without mental reservation or purpose or evasion: So help me God.

John M. Foster

Consular Agency ~~Legation~~ of the United States at Canton, China

Sworn to before me, this 30th day of June 1888.

Baron von Seckendorff.
U.S. Consular Agent, Canton, China.

DESCRIPTION OF APPLICANT.

Age:	30 years. 11 months	Mouth:	ordinary
Stature:	5 feet 8½ inches.	Chin:	ordinary
Forehead:	high	Hair:	brown
Eyes:	blue	Complexion:	fair
Nose:	ordinary	Face:	oval

Chinese name is 何約翰

IDENTIFICATION.

U.S. Consular Agency, Canton, June 30th 1888

I hereby certify that I know the above named Rev John M. Foster personally, and know him to be a native born citizen of the United States, and that the facts stated in his affidavit are true to the best of my knowledge and belief.

Baron von Seckendorff.
U.S. Consular Agent, Canton, China.

Fee for Passport, - - $1.00.
Fee for filling out application in duplicate, - .50
Fee for administering oath in duplicate, - .50

NATURALIZED.

No. _____ ISSUED _____ 18____

APPLICANT: Frederick B. Fellows

I hereby apply to the Legation of the United States at Peking for a passport for myself, my wife, and minor children, as follows: Newton Fellows born at New York on the 12 day of January 1881 and Elizabeth Fellows born on the 31st day of July 1885 at New York

In support of the above application I do solemnly swear that I was born at St Johns N.B Canada on or about the 23 day of July 1850; that I emigrated to the United States on or about the — day of March 1869, sailing on board the S/S New England from St Johns N.B. the — day of March 1869; and arriving at Portland Me the — day of March 1869; that I resided five years uninterruptedly in the United States, from 1869 to 1888 New York & Elsewhere in US; that I was naturalized as a citizen of the United States before the Court of Gen Sessions at N.Y. on the — day of October 1881 as shown by the accompanying certificate of naturalization; that I am the bearer of Passport No. —, issued — on the — day of — 18__, which is returned herewith; that I am the identical person referred to in said certificate and passport; that I last left the United States on the 18 day of April 1888 on board the City of Rome arriving in Liverpool on the 27 day of April 1888; that I have resided at Shanghai since the 25 day of June 1888; that I am now temporarily residing at Shanghai, and that I intend to return to the United States in the course of two years with a purpose of residing and performing the duties of citizenship there.

I desire the passport for the purpose of traveling in China.

OATH OF ALLEGIANCE.

Further, I do solemnly swear that I will support, protect, and defend the Constitution and Government of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without mental reservation or purpose of evasion: So help me God.

F. B. Fellows

Consulate General
LEGATION OF THE UNITED STATES AT Shanghai.

Sworn to before me this 10 day of August 1888

J. Kennedy

DESCRIPTION OF APPLICANT.

AGE: 38 years	MOUTH: Moustache
STATURE: 5 feet 11 inches.	CHIN: shaved
FOREHEAD: high	HAIR: light.
EYES: light	COMPLEXION: light
NOSE: straight	FACE: round

Chinese name:
羅斯

IDENTIFICATION.

August 10, 1888

I hereby certify that I know the above named Fred B Fellows personally, and know him to be the identical person referred to in the within described Certificate of Naturalization, and that the facts stated in his affidavit are true to the best of my knowledge and belief.

Wm. Emens

NOTE.—This form is to be filled out in duplicate, one copy being retained on the files of the Legation and the other forwarded with the quarterly returns to the Department of State.

DIPLOMATIC BUREAU.

DEPARTMENT OF STATE
NOV 16 1888
RECEIVED.

No 726.

2D ASSISTANT SECRETARY.
Ack. by Number and File.
NOV 16 1888
aad

Legation of the United States
Peking, October 8th, 1888.

Mr. Charles Denby.
to the
Secretary of State

Subject.
Acknowledges circular letter of 20th of August in re new application form for passports.

No 726.

Legation of the United States.
Peking, October 8th, 1888.

Honorable Thomas F Bayard
Secretary of State
Washington.

Sir:—

I have the honor to acknowledge the receipt of your circular dated August 20th 1888, enclosing copies of new forms of application for passports which, I note, are to be used in place of those heretofore transmitted to this Legation.

I have the honor to be,
Sir,
Your obedient servant.
Charles Denby

DIPLOMATIC BUREAU.

16

DEPARTMENT OF STATE
NOV 16 1888
RECEIVED.

No 727.

2D ASSISTANT SECRETARY.
Compdy - Dep to. Nov 17 — requesting
Ack accordingly. Nov 17
NOV 16 1888

Legation of the United States.
Peking, October 8th, 1888.

Mr. Charles Denby
to the
Secretary of State

Subject
Indent for blank forms

No 727.

Legation of the United States
Peking, October 8th, 1888.

Honorable Thomas F Bayard
Secretary of State
Washington

Sir:—

I have the honor to request that you will kindly send this Legation a supply of blank forms for rendering accounts, viz:—

Statement Salary Account.
do Contingent Expense with Abstract form
do Gold by Exchange.
do Official Telegrams
do Rent Account
Form for Return of Passports.

I have the honor to be,
Sir
Your

Your obedient servant

Charles Denby

DEPARTMENT OF STATE
NOV 16 1888
RECEIVED.

No 728

Legation of the United States.
Peking October 9th 1888.

Mr. Denby to the Actg. Secy of State

Dr A. A. Fulton's claim for injuries done at Kuai Ping.

Dr Fulton Nov. 16. 1888

Synopsis.

Encloses a copy of Dr Fulton's memorial and asks instructions whether this and other claims shall be presented seperately.

One enclosure.

No 728.

Legation of the United States.
Peking, October 9th 1888.

To the Honorable
Thomas F. Bayard
Secretary of State,
Washington, D.C.

Sir:

I have the honor to enclose, herewith, a copy of the memorial of Dr Albert Andrew Fulton, setting up for himself and other members of the Presbyterian Mission, and the Mission itself, a claim for $6.142.98 damages for property destroyed by a mob, in Kwai Peng, in May 1886.

1/728

Your

Your despatch No 86, of July 9th 1886, directed me to present this claim. The Viceroy has definitely refused to pay it, mainly on the ground that the Missionaries had no right to go into the interior. This question is not, in my opinion, necessarily involved in the settlement of this claim. The case is analogous to the Chungking case which is fully reported in pages 159 and seq, in the Foreign Relations of 1887.

The residence of the Missionaries was allowed and tolerated by the local authorities. I have no doubt whatever of the justice of the

claim

claim. I hesitate to present it at this time for reasons involving the interests of the claimants.

In my despatch No 710 of, Sept 27th 1888, I stated specifically the claims which, within a few weeks, have been presented to me. Their magnitude seems to call for some general settlement, especially as you have, by the late treaty, shown your willingness to pay, as matter of grace, large claims to China.

The process here is always to refer such claims to the local authorities, who have already refused to pay them.

This

This system involves great delay and often secures no beneficial result; whereas a general convention between the two countries would settle everything at once.

I, therefore, ask your instructions as to what course shall be pursued; that is to say, whether I shall present all these claims seperately or some other course shall be adopted.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosure

1. Revd A. A. Fulton's Memorial presenting a claim arising from riots at Kwei Peng.

Enclosure 1 in No. 728.

Copy-

Consulate of the United States of America,
Canton, China, June 1st 1888.

The memorial of the undersigned Albert Andrew Fulton to the government of the United States respectfully represents, that he is registered at the United States Consulate, at Canton China, under date of Dec. 8th 1880, as a native of Ashland, Ohio, where he was born on the 4th day of June 1850. Both of his parents were natives of the United States; that he came to China in the year 1880 as one of the Missionaries of the American Presbyterian Church, and has been occupied in that capacity during the last 8 years in Southern China, with residence chiefly at Canton, in the province of Kwong Tung — That in 1883, he was married to Florence Wishard, a daughter of the Rev. Dr Samuel E. Wishard, now Pastor of the First Presbyterian Church, Des Moins

Iowa

Iowa — That in the year 1884 the memorialist's sister, Mary Hannah Fulton, M.D., after graduating at Hillsdale College, Michigan, and at the Womens College of Physicians in Philadelphia, Pa, also came to Canton, China, as one of the Medical Missionaries of the American Presbyterian Society. Your memorialist having been a graduate of Princeton College, in the State of New Jersey, and also a graduate of Union Theological Seminary, New York City. Mrs Fulton was educated at Chicago University. The undersigned with his wife and sister above mentioned in accordance with the wishes of the American Presbyterian Board proceeded, in October 1885, to establish a mission station and hospital in the adjoining province of Kwong Si, and arrived at Kwai Peng, a district city in the Cham Chow department, the 3rd day of Nov. 1885, with a full and complete outfit and supplies for

family

family, mission and hospital purposes. We met with no opposition and had many applications for medical service. Among the first to apply for medical aid was the chief military officer in the city, who had been wounded in recent French war. Dr Fulton visited this official several times at his request and rendered him valuable aid, and this official used his influence to induce us to remain at Kwai Peng. A few days after our arrival we succeeded in renting a brick house in a small village, name Tai Kang Kan, about one half mile from Kwai Peng city. The owner willingly drew up a lease, giving us the right to the house for a term of ten years, in consideration of two hundred and sixteen dollars per year rent. We took peaceable possession of the house without a word of opposition on part either of the people or the authorities.

and

and transferred all our property from the boats to the house. We also rented a small mud building for hospital purposes Every day we had applicants for medical aid and treated more than three thousand cases during our stay in Kwai Peng, including many serious operations for eye trouble, undoubtedly saving many persons from total blindness, nor did we ever make any charge for service or medicine. The small mud building overflowed with patients forcing us either to refuse to see more sick persons or to build another building for their accommodation. On the 19th of April 1886 we began the erection of a hospital on the ground, a few hundred yards from our house, which ground was rented for one hundred years from a native of the village in which we lived. A few days

before

before beginning work on the hospital we received six wounded soldiers sent to us by a military officer from the adjoining city, Kwai Lin, with the request that we should give them all necessary medical assistance. By the 5th of May 1886 the hospital building, a plain structure ninety by twenty feet, was nearly completed. The work of building was fully known to the authorities, nor was any remonstrance or resistance of any kind made to our residence in Kwai Peng, or to the construction of the hospital. On the morning of the 6th of May, 1886, some rough men, accompanied by students came to our house and began to tear down the bamboo fence that surrounded our premises. I saw they had evil designs and I started for the district Yamên but was followed and stoned through the streets until I reached the

officials

official's residence. I arrived there at 10.45 A.M. I was not permitted to go back, but promise was made that soldiers would be sent to protect my family. Shortly after I left the village a mob surrounded my house, smashed in the tiles and then brought straw to burn the door. My family and sister were forced out of the house, and, after, enduring much insult and exposure, were conducted to the Yamen by soldiers. The mob entered the house, stole everything we had, and burned the house. The mob then went to the new hospital and carried away all the timber burned the workmen's sheds and continued to carry away brick six hours after the fact was in possession of the Yamen authorities. Not a single person was arrested nor any lost article recovered. The first intimation of any intention to molest our mission was given

by

by placards, originating with students, who were assembled, to the number of about 10,000, for the prefectural examination. These placards urged the people to unite on the 7th of May 1886, for the expulsion of the foreigners, and the destruction of their property. The destruction of the mission property occurred on the 6th of May 1886, one day previous to the time indicated in the placards. A large number of soldiers and officials had assembled at Kwai Peng, on the 6th day of May, to do honor to one of the Imperial Commissioners, who was returning from the southern frontier, with several distinguished officials who had been engaged on the boundary commission between China and Tonquin, en route to Canton in a flotilla of boats by the West River. The local magistrate and a military escort proceeded up the

river

river a few miles on the 6th day of May, 1886, to Escort His Excellency the Imperial Commissioner, and his party, to and past Kwai Peng, where they were entertained with official hospitality. During the absence of the local magistrate from Kwai Peng to meet the Imperial Commissioner, soldiers, wearing the Chinese military uniform, commenced aggressive or mischievous operations against the mission by piling up faggots against the door of our house. The undersigned removed the faggots and the soldiers repeated the offense and when remonstrated with said they meant no harm but their example was soon followed by a lawless mob, and while I was absent to get protection, they looted the building and forced my family to flee for safety, and then carried away every article we possessed,

and

and burned the house. A military guard-boat, stationed within one hundred yards of the hospital, refused to let my family get on board, or give them any help. Nothing whatever was saved by myself and family from the burning building. The looters carried away the brick and timber of the hospital for that and the following day until they had carried away the last stones of the foundation, and all this without any interruption on the part of the authorities. Not only were the mob not prevented by the authorities from destroying the property of the foreigners, but the initiatory outrages were conducted and perpetrated by soldiers in Chinese uniform. 'tis very clear, from the good feeling that prevailed among the people, had the officials made any effort to repress the violent threats

of

of the students, and the initiatory outrages of the soldiers, no violence would have taken place. After being kept at the Yamen two days, we were sent by boats to Canton. While at the Yamen we were questioned as to our losses. We stated that we had lost everything and saved nothing but that all our losses were of little account in comparison with the safety of my family, who were in jeopardy by the attack on the building.

The losses of the undersigned memorialist, as set forth in schedule A, amounted to the sum of two thousand three hundred and one dollars and eighty cents = $2301.80 Mexicans.

The loss to the American Presbyterian Mission, as per schedule hereto appended, and marked B, amounted to thirteen hundred and eighty-two dollars

and

2 70 and thirty two cents = 1382.~~32~~ 70 Mexicans.*

The loss sustained by Dr/ Mary K. Fulton, as per schedule marked C., and hereto appended, amounted to fifteen hundred and ninety-six dollars and twenty cents = $1596 20 Mex., which amount the undersigned is authorized by and for her to receive. The memorialist is also the authorized agent of the American Presbyterian Mission at Kwai Peng, in Kwong Sai, having been placed in charge thereof. The undersigned memorialist further declares that up to the present time no payments whatever have been received on account of any of the three claims mentioned. Although several visits have been made in person by the undersigned memorialist to Kwai Peng for the purpose of obtaining adjustment and settlement,

agreeably

*Thus in original.

agreeably with assurances given by the Chinese authorities to the United States Consul at Canton, that the local authorities, at Kwai Peng, had received orders to make adjustment and settlement for the losses herein described, nothing has been done towards such adjustment and settlement.

The undersigned memorialist further states that on May 6th 1886, the date of the outrages herein described, he was a resident of the province of Kwong Sai in the Empire of China, but that he was then, and is now, as he always has been, a native citizen of the United States of America, and has never severed his relations thereto by any oath of allegiance to any foreign government. The same is true of Dr Mary F. Fulton, aforesaid, and of all interested in the claims herein mentioned.

The

The undersigned memorialist further declares that the present residence of himself and his family and of his sister Dr Mary K. Fulton, aforesaid, is at Canton, China, where they have resided several years. The headquarters of the American Presbyterian Missions is at number 53, Fifth Avenue, in the City and County of New York, State of New York, and that the headquarters and location of the American Presbyterian Mission for Southern China is at Canton, in the province of Kwong Tung, in the Empire of China. The undersigned memorialist further declares that the entire amount of the claims herein mentioned, and minutely set forth in appended schedules marked A. B and C., does now, and did at the time when it had it's origin, belong solely and absolutely to the claimaints mentioned,

and

and that no other person has been interested therein or any part thereof and that no transfer of rights or interests of any nature has been made.

(s'g'd) Albert A. Fulton.

{ Albert A. Fulton, on behalf of the American Presbyterian Mission }

{ Albert A. Fulton on behalf of Mary K. Fulton }

From U.S. Legation to China

DEPARTMENT OF STATE
OCT 17 1888
RECEIVED.

232 W. 54 St. N.Y.
Oct. 14. 1888

Mr Barlow
Sent to Mr B
letter Returned
Bur of Accts

Dear Sir –

I have the honor
acknowledging your
ulued favor of the
3th inst., enclosing my
commission as Secretary of
gation at Peking &
ther papers. I beg you
cept my thanks for
me. Please find enclosed
ewith, and duly signed
me, the oath of
ice, and Letter of Credit,

London - I note your
structions regarding same.
y I ask what time
ll be given me before
departure?

Awaiting instructions,
ieve me, dear Sir,

Yours most truly,

Howard Martin.

the

n. Secty. of State -

DIPLOMATIC BUREAU

DEPARTMENT OF STATE
NOV 30 1888
RECEIVED

No 729. Con Enclosure.

2D ASSISTANT SECRETARY.
Bureau of Accts will note.
Ack. by Number and File.
NOV 30 1888
aag

Legation of the United States.
Peking, October 15th, 1888

Mr Charles Denby
to the
Secretary of State

Subject.
Enclosed account for
Repairs to Legation premises
for Quarter Ending 30th
of September 1888.

No 729. One enclosure.

Legation of the United States.

Peking, October 15th, 1888.

Honorable Thomas F Bayard.

Secretary of State

Washington.

Sir:—

I have the honor to hand you enclosed a statement of the Repairs Account of this Legation for the quarter ending the 30th of September 1888.

I have the honor to be,

Sir

Your Obedient Servant

Charles Denby

729.

Enclosure 1.

statement as above.

DIPLOMATIC BUREAU.

30

DEPARTMENT OF STATE
NOV 30 1888
RECEIVED.

No 730.

Legation of the United States.

2D ASSISTANT SECRETARY.
Ack by subject. Mr. Denby's further report is awaited.
NOV 30 1888

Peking, October 15th 1888.

Dis So. Dec 1. forwd to

Mr. Denby to the

Secretary of State.

Subject.

The bonded warehouse system at Shanghai.

One enclosure.

No 730.

Legation of the United States.
Peking, October 15th 1888.

To the Honorable
Thomas F. Bayard
Secretary of State
Washington, D. C.

Sir:

In order to put in a convenient form a discussion of the Bonded Warehouse question at Shanghai, I send you, herewith enclosed, an article, which appeared originally in the London Times. I do not approve of every statement contained therein, but the general tenor comports with the views taken by me, as reported to you in previous

1/730

despatches

despatches.

I was favored lately by the Inspector-General with a copy of the report of the Commissioner of Customs, at Shanghai, on this subject. I was pleased to see that this officer pointedly took the ground that the main obstacle to the extensive and general availment of the system by importers, was the existing monopoly of storage. The Inspector-General seemed to concur in that view.

The Question remains whether the Ministers will conjointly press upon the Imperial Government the advisability of extending the privelege of bonding to other

warehouses

warehouses, besides that of the China Merchants.

It occurred to me that it would be desirable for the Inspector-General to take the initiative in the movement, and I so stated the matter to him. It is likely that if nothing is done by my Colleagues, or the Inspector-General, the course of events will compel me to take up the matter alone.

The relation of the Pootung Company to this question was explained in my despatch No 600 of March 22nd 1888. The China Merchants have, I understand, now opened a warehouse for bonding kerosene.

Where

When the matter is brought to my knowledge by the parties interested, I may take action thereon seperately.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosure

1. As above.

Enclosure 1 in No 730.

THE BONDED WAREHOUSE MONOPOLY IN SHANSHAI.

(FROM A CORRESPONDENT.)

Week by week during the spring of the present year *The Times* in its brief chronicle of current events in the Far East referred to the agitation of the foreign mercantile community in Shanghai against the manner in which certain new regulations relating to the establishment of bonded warehouses in that great port were carried out by the Chinese Government; representations of various kinds to single foreign Envoys as to the whole *Corps Diplomatique* in Pekin were unavailing, and at last the subject was taken up at home by the East India and China trade section of the London Chamber of Commerce, and probably by other leading commercial bodies also. It is certainly time that this was done, because as a matter of principle as well as of expediency the action of the Chinese Government, even though it secured the temporary acquiescence of some of the Foreign Ministers, should not be suffered to pass without vigorous protest and challenge. For it is unfair—not to use a more severe term—and detrimental to the interests of the great mercantile community of Shanghai, and exceedingly injurious to the interests of shipowners and merchants in all parts of the world who trade with that port. It is, moreover, an attempt on the part of the Chinese to create a monopoly in the hands of a native company, which lives, moves, has its being in consequence of official favour and support. Forty-five years ago it was provided by the Treaty of Nanking that the practice of compelling British merchants to deal with certain Chinese merchants, called the *co-hong*, and with them only, should be for ever abolished; yet here, in the 1888, a Chinese company, founded and supported by mandarins, with a mandarin for its manager, obtains the monopoly of bonding goods—which carries with it a large part of the storing of goods out of bond—in a port with a volume of trade which is exceeded by that of few in the British Empire.

The practice of bonding, except for opium, has not existed in China until the 1st of January of the present year. By a convention between Germany and China, signed, in 1880, in the benefits of which all other nations participated by the operation of the most-favoured nation clause, it was agreed that bonded warehouses should be established. But nothing was done until the close of last year, when a rumour reached Shanghai that bonding was to be introduced with the new year, and that the privilege was to be confined to a particular warehouse belonging to the China Merchants' Steam Navigation Company, a native undertaking wholly controlled and worked by and for Chinese officials, of whom Li Hung Chang is the principal. Now Shanghai, with its enormous shipping trade—ocean, coast, and river—is a city of wharves and warehouses, all of which are, in a great measure, public in character. Some of the largest have been in existence for 30 years, and have served the trade of the port during that period, and the proprietors of all are well able to afford any pecuniary guarantee the Chinese Customs authorities could ask. The China Merchants' Company's wharves became competitors for public business only two years ago. Towards the end of October the agents of the principal of the old-established wharves on, hearing the rumour, addressed a letter to the British Minister in Pekin pointing out the grave injury which the reported monopoly would cause to all the other wharves and warehouses in Shanghai, in which a large amount of foreign capital was invested. Sir John Walsham's protection was invoked, and he was asked to secure that the privilege of bonding should be given without favour to all wharves and warehouses that could give the required guarantees, and that, in fact, the universal practice all the world over should be followed in Shanghai. The writers of this letter, who represented the three principal wharves in Shanghai, were Messrs. Jardine, Matheson, and Co., the leading British merchants east of Calcutta, and it has remained unanswered to this day. On December 30 public was given by the Commissioner of Customs at Shanghai that bonded warehouses would be established from the 1st prox., and on application by Messrs. Jardine for the admission of certain warehouses for which they were agents to the privilege, the Commissioner replied that his instructions were to confine it to the premises of the native shipping company above mentioned. The community of Shanghai, which is largely interested in the boycotted wharves, protested loudly, and, in reply, were informed by Herr von Brandt, the *doyen* of the Diplomatic Corps, and Minister for Germany, that the Chinese Government had a perfect right to establish bonded warehouses of their own; that the matter was at present in the experimental stage; and that later on, when it was seen how it worked, the privilege would perhaps be extended. This is the position adopted by our own Foreign Office in correspondence with merchants in London who are interested in the matter; but it is not one with which those whose property is imperilled are, or ought to be content. As to the abstract right of the Chinese Government there can be no question, as there can be none respecting their abstract right to levy a poll-tax of £100 or £1,000 a head on every European entering China, or to do many other things which they would never be allowed to do. Besides, if the right exists and the Chinese can exercise it, there is no reason why the foreign warehouse owners of Shanghai should not be excluded for ever from participation in the privilege. It is said, further, that the present is an experiment; but, in that case, why is the experiment confined to a single ware house, and that the warehouse of a Chinese and a mandarins' association? In truth, it is no experiment. The principle and practice of bonding are known in every civilized country in the world, and there is nothing in Shanghai any more than there is in London to make it an experiment. It is no more experimental than the use of steam, or electricity, or machine-guns.

It may be asked why the Shanghai merchants and the China merchants in London are so troubled because a single warehouse obtains a privilege which they have not. The answer is that the monopoly carries with it the possibility of the greater part of the warehousing of the ocean-borne goods of the whole port. The warehouse which alone can take goods in bond will by force of circumstances also get the goods which are not bonded, and it is a striking instance of this that the agents of the German mail steamers on the very day the Customs' notification was issued gave the owners of the wharves at which they usually unloaded notice that in future these vessels would go to the China Merchants' Company's wharf. "In asking you to take note of this," add the agents, "we beg to express our full satisfaction with the way you have hitherto attended to the business of the steamers of the company we represent." The effect of the monopoly is to drive wharfage and storage into the hands of the native company, and to depreciate the value of other wharf properties. It is, however, the principle involved that really renders the subject important to British merchants at home—the principle, namely, that it shall not be in the power of Chinese

officials to hamper or meddle with the operations of trade in the open ports. This was most carefully kept in mind by the framers of the treaty of 1860, as well as by Sir Henry Pottinger in 1842, because they well knew what the result would if the mandarins, with official corruption which is almost universally prevalent in China, were permitted any control whatever over foreign trade. To the average Oriental official trade is a milch cow, and the history of this very China Merchants' Company, if it could be told here, would show what a blight and curse official control or interference is to any commercial enterprise, however promising. The trade of Shanghai is a rich pie into which the Chinese officials long to put their fingers and out of which their fingers must be kept at all costs.

A feature of the affair is the important part played in it by the German Minister, while the trade concerned and the property affected are about seven-tenths British. It is, perhaps, only a coincidence that the wharves of the Chinese Company are leased by a German firm. It is stated by the Foreign Office that Herr von Brandt did his best to get other wharves, mainly owned by British subjcts, included in the privilege; but the merchants inquire why this was not done by the British Minister, and a well-known China merchant in London, who brought the matter to Lord Salisbury's attention, summarizes the complaints of his countrymen somewhat bluntly in these words:—"German interests are pushed to the utmost when opportunities occur or the moment is favourable, and under the influence of the Minister are safeguarded and strengthened, while to the representations addressed by the mercantile community to the British Minister replies even are not vouchsafed." Failing in obtaining redress through the Diplomatic Corps in Pekin, which in this matter means the German Minister, the China merchants have appealed to the Chambers of Commerce at home and to the British Government against acts of the Chinese authorities which are subversive of that equality in trade so sedulously provided by the treaties, and ruinous to valuable properties in which a large amount of British capital is invested. —*The Times.*

DEPARTMENT OF STATE
NOV 30 1888
RECEIVED.

DIPLOMATIC BUREAU.
11 Dec

No 731.

Legation of the United States.
Peking October 16th, 1888.

2D ASSISTANT SECRETARY
MR. FORD. for publication
Act accordingly
NOV 30 1888 aaf

Rec'd to Dec 11 Cutler

Mr. Charles Denby
to the
Secretary of State

Subject
Jehol Mission

Synopsis.

Mr. Denby gives some particulars regarding the working of above mission.

No 731.

Legation of the United States.

Peking, October 16th, 1888.

Honorable Thomas F. Bayard
Secretary of State
Washington

Sir:—

In further acknowledgment of your despatch No. 45, of August 25th, 1888, I have the honor to make the following report concerning the mines at Jehol. You desire me to furnish further reports showing the progress of the work.

Publication of official reports is not permitted, but I have been enabled to procure the following information which may to some extent serve your purposes.

In

Reports

In June 1897, Mr. John A Church a distinguished American mining engineer, examined the mines at Ku Shan Tzu and Yen Jung Shan These mines are situated in the Fohs district at a distance of about 45 miles and 57 miles respectively to the north west ward of Ping Shuan Shou.

In his report then made Mr. Church stated that these mines are worthy of being tested carefully. He recommended the introduction of machinery for that purpose. He stated that a yield of 20 taels per ton might be expected.

As the result of that report Mr. Church was directed by the Tsungli Ku Kung Chang, to proceed with his

examination

Examination. Machinery was procured, and in December of 1887, Mr. Church arrived at the Kuchan Kyu Mines and commenced work there. He found that water covered the bottom of the mines and stood about 320 feet from the surface. The openings were narrow and tortuous. He proceeded to make commodious openings, and to erect boilers.

The old passages were stopped up with stones, and a month's steady work was required to open them.

He finally reached the bottom, which was 200 feet below the level where the water had stood for 20 years. He had pumped and dug down about

110 feet in all. He found the vein about 5 feet thick, and samples showed that it contained 18 ounces of silver per ton.

These samples were carefully selected from the average ore. At the lowest point a small vein about two inches thick yielded 90 ounces per ton. The true value of this ore at Thurston, 120 ounces per ton. Mr. Smith in June 1889, made an elaborate report to the Viceroy.

He found that a large quantity ~~of ore~~ had been left on the walls because the metal occurred in such small particles that the natives could not utilize it. At least 2000 tons of this rock is

left

left, and will yield 15 ounces a ton.

At the date of this report the hoisting machinery and mining pumps had not arrived, but were daily expected and have since arrived.

It is said that the best ore known in the mine at the time it was flooded, lies under the rock which is not yet removed. He has broken down two or three hundred tons of ore, which lies under this mass of rock.

A mill has been ordered which will enable him to work up the ore as fast as it is broken, and will keep the mine open.

Mining methods have proved unsuccessful owing to the immense labor required, and the opportunities afforded

afforded for theft.
Under this system he was not able to get more than one quarter of the value.
Thieving has much amongst him, and can be overcome only by the use of machinery. Mr. Church reports favorably on this mine.
He thinks that it will pay; that he will be enabled to take out 15 tons of ore a day when the machinery is fairly at work; that this quantity will pay expenses at both mines; that after nine months working the quantity will be increased to 20 or 25 tons a day; that the mine at Yen Tung Shan can accomplish the same results, and that the treatment of both

mines

mines, with smelting works at Ku Khan Fyu only, will give a net profit of taels 10.000, a month.

Water unfortunately is not pentiful at these mines. But, still, Mr. Church thinks that after a years work 50, or even 60 tons of ore a day may be procured. He is satisfied that the Ku Khan Fyu vein will yield 20 or 30 tons a day.

His information about Yen Tung Khan is not so complete, but the vein there is more extensive than the other. He recommends that the work be prosecuted with on such a scale as to produce at least 30 tons a day at the two places. With energetic action a mill can

be

be in operation in January 1889. It is understood that the Company has supplied the necessary funds, and that the work will be pounded with.

There is no geological map of the mining district in question in existence. I am enabled to furnish a general description of the locality of the Ku Kham Ngu mines as follows:—

They are situated at an elevation of 2500 feet above sea level, on the flanks of a hill, which with others bound the sides of an open gently ascending valley and rise to the height of 2900 feet.

The formation in which the mines are situated is a hard graphite

white

white limestone, which is bounded by the South and East by granite. The Valley which is the approach to the mines contains a stream of water, which is utilized by the miners in the washing of galena, from the waste which was mined and thrown to one side in former years.

In June 1887 Professor J. A. Church made some assays of samples of which the following are copies.

Assays made of ore of Ku Chan Tzu and Yen Tung Chan Mines.

Ku Chan Tzu		Yen Tung Chan	
Lead	Silver	Lead	Silver
Catties per picul.	Taels per picul.	Catties per picul.	Taels per picul
1. —	13		5/10

	Head	Above	Head	Above
	Cattle per cent.	Tails per cent.	Cattle per cent	Tails per cent.
2.	1 3/10	19 1/3		5 1/3
3.	1 3/10	5 4/10		4 1/10
4.	10.	10		34 4/10
5.	5/10	6 2/10	28 2/10	13 2/10
6.	17 9/10	17 2/10	14.	36 4/10
7.	22 4/10	8 1/2	18 5/10	16.
8.	1 5/10	11 9/10	9.	32 3/10
9.	8 1/4	6 1/10	11 6/10	27 5/10
10	32 4/10	22 4/10	48.	14 9/10
11.		9 3/10		3. 7/10
12.	10 1/2	10.		3 5/10
13.	9 8/10	10.		4 1/2
14.	5 2/10	8 9/10		4 7/10
15.		16 5/10		1 3/10
16.		12 2/10		
17.		11 9/10		
18.		8 5/10		

Lead	silver	Lead	silver
~~Cattiès per pound~~	~~Taels per pound.~~	~~Cattiès per pound~~	~~Taels per pound.~~
19.	19.		
20	13.		

Assays of Kin Shan Tzu ores) Stock

	Ozs silver per 2000 lbs	% Lead	
1.	250.5		Ta Kao Mine
2.	365.25	1.3	"
3.	102.	1.3	"
4.	189	10.	Wang Ma Chia Mine
5.	117	.55	Ta Kao Mine
6.	322.5	17.9	Chia Ta Kao Mine
7.	158.25	22.9	Ta Kao Mine
8.	224	1.45	"
9.	115.5	8.25	"
10.	420.	32.4	Chia Ta Kao Mine
11	175.5		Ta Kao Mine
12	176.25	10.45	"
13.	189.	9.8	"

	Ozs. silver per 2.000 lbs	% of lead	
14.	168	5.18	Ta Kas Mine
15.	328.5 coarse 304.5 fine		Chang Ma chia Mine
16.	229.5		Tailings from Gulch
17.	165. coarse 283.5 fine		Ta Kas Mine
18.	157.25 coarse 162.5 fine		Ta Ko Pa Mine
19.	360.		Tailings from gulch
20.	205 coarse 385. fine		" "

Assays of Ku Tung Chan ores

	Ozs. silver per 2000 lbs.	% lead	
1.	96		
2.	99.75		Chang Hsin Tzu Mine
3.	77.25		" "
4.	645.75		" "
5.	249	28.2	Tung Ta Liang "
6.	693	14.06	Hsia Hsin Tang "
7.	300	18.50	Hsi Tzu Chang "
8.	606.75	9.05	Hsia Hsin Tzu "

(Nos. 1–4: from one)

	ozs silver per 2000 lbs		% Lead	
9.	516.		11.6	Hua Hsin Tzu Mine
10.	285.		47.9	Hsia Yang Po "
11.	70.5		----	Hsia Lin Po "
12.	66.75			
13.	84.	odd samples of		
14.	88.5	poor ore		
15.	24.75			

I have the honor to be

Sir,

Your obedient servant

Charles Denby

DEPARTMENT OF STATE
NOV 30 1888
RECEIVED.

DIPLOMATIC BUREAU.
and
BUREAU OF ACCOUNTS.

No 732. One Enclosure.

2D ASSISTANT SECRETARY.
TO BUREAU OF ACCOUNTS,
for examination.
Ack. by number and file, if reported correct,
NOV 30 1888

Legation of the United States.
Peking, October 17th, 1888.

Mr. Charles Denby
to the
Secretary of State

Subject
Statement covering Exchange
for quarter ending 30th September
1888.

32

No 732. One Enclosure.

Legation of the United States
Peking, October 17th, 1888.

Honorable Thomas F Bayard.
Secretary of State
Washington

Sir:—

I have the honor to
732. hand you enclosed a statement
of my account for loss by exchange
for quarter ending 30th of September
ultimo.

I have the honor to be,
Sir
Your obedient servant
Charles Denby

Enclosure 1.
Statement as above.

"From U.S. Legation to China" filed under Oct. 19, 1888.

DIPLOMATIC BUREAU.

No. 1.

ASSISTANT SECRETARY.

THE WESTERN UNION TELEGRAPH COMPANY.

This Company TRANSMITS and DELIVERS messages only on conditions limiting its liability, which have been assented to by the sender of the following message. Mistakes are guarded against only by repeating a message back to the sending station for comparison, and the company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Messages, beyond the amount of tolls paid thereon, nor in any case where the claim is not presented in writing within sixty days after sending the message.

This is an UNREPEATED MESSAGE, and is delivered by request of the sender, under the conditions named above.

THOS. T. EckERT, General Manager. NORVIN GREEN, President.

NUMBER	SENT BY	REC'D BY	CHECK
29-W	Va	Co	6 pd

Received at 1401 MASS. AVENUE. Oct 19th 1886

Dated Newport R.I.

To Hon Thos F Bayard
State Dept WDC
1413 - Mass

I leave here tonight for Peking

Howard Martin

DEPARTMENT OF STATE
NOV 30 1888
RECEIVED

DIPLOMATIC BUREAU
and
BUREAU OF ACCOUNTS

No 733. On Enclosure.

Legation of the United States.

Peking, October 19th, 1888.

2D ASSISTANT SECRETARY.
TO BUREAU OF ACCOUNTS.
For examination. Duplicate
Ack. by number and file, if reported
correct.
NOV 30 1888 aag

Mr. Charles Denby
to the
Secretary of State

Subject
Duplicate Salary Account
Quarter Ending 30th September

No 733 Ord Enclosure

Legation of the United States
Peking, October 19th, 1888.

Honorable Thomas F Bayard
Secretary of State
Washington.

Sir:—

I have the honor to hand you enclosed a duplicate
733 statement of my salary account for the quarter ending the 30th September ultimo.

I have the honor to be,
Sir
Your obedient servant
Charles Denby

Enclosure 1.
Duplicate statement as above.

DEPARTMENT OF STATE
NOV 30 1888
RECEIVED

DIPLOMATIC BUREAU.
and
BUREAU OF ACCOUNTS.

No 734. Ow Enclosure

Legation of the United States.
Peking, October 19th, 1888.

2D ASSISTANT SECRETARY,
TO BUREAU OF ACCOUNTS,
Duplicate
Check by number and file, if reported correct,
NOV 30 1888

Mr. Charles Denby
to the
Secretary of State

Subject

Duplicate Contingent Expenses
Account for Quarter Ending
30th September.

No 734. One Enclosure.

Legation of the United States
Peking, October 19th, 1888.

Honorable Thomas F. Bayard
Secretary of State
Washington.

Sir:—

I have the honor to hand
734. you enclosed a duplicate statement
of my account for Contingent
Expenses for the quarter ending
the 30th of September ultimo.

I have the honor to be,
Sir
Your Obedient Servant
Charles Denby

Enclosure 1.
Duplicate Statement as above.

DEPARTMENT OF STATE
NOV 30 1888
RECEIVED.

DIPLOMATIC BUREAU.
and
BUREAU OF ACCOUNTS.

No 735 One enclosure.

2D ASSISTANT SECRETARY.
TO BUREAU OF ACCOUNTS,
for examination. Duplicate.
Ack. by number and file, if reported correct.
NOV 30 1888

Legation of the United States.
Peking, October 19th 1888.

Mr. Charles Denby
to the
Secretary of State

Subject
Duplicate Rent Account
for quarter ending 30th
September 1888.

No 735. one enclosure.

Legation of the United States.

Peking, October 19th, 1888.

Honorable Thomas F Bayard.

Secretary of State

Washington.

Sir:—

I have the honor to enclose
735 herewith a duplicate statement of
the Rent Account of this Legation
for the quarter ending the
30th of September 1888.

I have the honor to be,

Sir,

Your obedient servant

Charles Denby

Enclosure 1.

Duplicate statement as above.

DEPARTMENT OF STATE
NOV 30 1888
RECEIVED.

DIPLOMATIC BUREAU

30

No 736. One enclosure

2D ASSISTANT SECRETARY.
Ack. & thereafter the duplicate of this application should accompany the return
NOV 30 1888

Legation of the United States
Peking October 19th, 1888.

Acks - Dec. 1 st Crisler

Mr. Charles Denby
to the
Secretary of State

Subject
Duplicate Return of Passports
for quarter Ending 30th
September 1888.

No 736. one Enclosure.

Legation of the United States.
Peking, October 19th, 1888.

Honorable Thomas F Bayard.
Secretary of State
Washington.

Sir:—

I have the honor to
enclose herewith a duplicate
736. return of passports issued
during the quarter ending
the 30th of September 1888.

I have the honor to be,
Sir,
Your obedient Servant
Charles Denby

Enclosure 1.
Duplicate return as above.

Return of Passports issued

No	Name	Date	Age	Height	Eyes
536	George Campbell	Aug 7	29	5.9	blue
537	John M Foster	" "	31	5.8½	blue
538	Andr B Fellows	" 20	38	5.11	light

3 Passports @ $1.00 each = $3.

Legation of the United States
Peking, September 30th, 1888

during the quarter ending the 30th of September 1888.

Nose	Hair	Face	Complexion	
ordinary	brown	full	fair	
ordinary	brown	oval	fair	
straight	light	round	light	

E.O.E.

Charles Denby
United States Minister

DIPLOMATIC BUREAU.

DEPARTMENT OF STATE
NOV 30 1888
RECEIVED.

4

Ack'd by draft of Mr. Wharton Dec. 5, 1888 Keller

No 737.

Legation of the United States.

2D ASSISTANT SECRETARY.
Ans. Dft of Mr. Wharton
aak
DEC 4 1888

Peking, October 19th 1888.

Copied for F. R.

Mr. Denby to the

Secretary of State.

Subject.

Mixed marriages in China.

Synopsis.

Reports Mr. Thompson's case.

Suggests that a regulation be made by the Department governing marriages abroad between an American and a foreigner.

No 737.

Legation of the United States.
Peking October 19th 1888.

To the Honorable
Thomas F. Bayard
Secretary of State
Washington, D.C.

Sir:

I have the honor to report that the question of the issuing of marriage certificates, by diplomatic officers abroad, has finally reached China.

The Department has always, most correctly, recognized questions relating to the validity of marriages as being of grave importance. I, therefore, report,

for

for your information, the latest phase of this question which has arisen here.

Mr. J. B. Thompson is a missionary of the American Board, located in Shensi. He is a subject of Great Britain, born in Newfoundland. He made a contract of marriage with Miss Better, who is a citizen of the United States, having her home in the State of Missouri. She is a missionary of the same Society. Some weeks ago, Mr. Thompson arrived here from Shensi. Miss Better, also, arrived a few days ago from the United States. The parties desire to return to their station before

the

the winter sets in. They are anxious for an immediate marriage.

Under the British statutes a delay of thirty days residence in China is necessary. Bans are also to be published twenty-one days before the marriage can be solemnized by a Consul. Some officials contend that the time may run concurrently. My opinion is that the thirty days must expire before publication of the bans. For the reasons stated, the parties wish to escape this delay.

Under the direction of H. B. M's Minister, a marriage, under

certain

certain circumstances, can take place at the British Legation, without delay.

Mr. Thompson consulted me. I represented to him that, for the tranquility and safety of the lady, the marriage should take place at the British Legation. Under the statutes of Great Britain, a marriage, solemnized at a Legation of that country, is valid everywhere in the Queen's Dominions.

I did not myself doubt that such a marriage would be held valid in the United States, but I did doubt whether the marriage of a male British subject to an American woman,

at

at the United States Consulate, would be held valid in Great Britain.

At all events, in a matter of such grave importance, I desired to be on the safe side, and would, therefore, in no manner intervene to assist the parties to be married by, or before, the American Consul, unless the marriage were to be immediately followed by another marriage, between the same parties, at the British Legation, and according to British law.

I advised him to apply to Sir John Ulleham for permission to be married at the British Legation. Sir John promptly replied, verbally,

that

that he would direct the marriage to be solemnized at the British Chapel, if I, as Minister of the United States, would certify that the mixed marriage, which it is proposed to celebrate at the British Legation will, of itself, and without any preliminary or other ceremony, be recognized as legal and binding in the United States.

In an interview with Sir John, in which the whole matter was discussed, I showed him your circular No 699, F. R. 1887 p. 1133. This satisfied him that I had no authority to issue such a certificate. But I suggested to him that, if his Government

insisted

insisted on a certificate from me, and my Government ordered me not to issue such a certificate, the marriage was evidently blocked and prevented, and we should pursue our investigations further, in the hope that we could find a solution of the difficulty.

I proposed to him that the parties should first be married before the American Consul, and afterwards at his Legation, if that were possible. After further consideration an agreement was arrived at.

It appears that a circular had been issued from the British Foreign Office, July 31st 1886, to

the

the effect that two cases of mixed marriages between British and Swiss citizens, duly celebrated at H. B. M's Embassy at Paris, wherein the customary procedure had been followed to the letter, were declared null and void in Switzerland.

The procedure hitherto followed was to obtain, from the representative of the foreigner's country, a certificate that the marriage at the British Embassy should be deemed valid by the laws of his nation.

The ground, on which the said marriages were declared null and void, was that the validity of mixed marriages celebrated at the British Embassy at Paris

was

was not recognized by French law. To meet this objection, before authorizing any mixed marriage at any Legation, the Minister is to require that a previous marriage shall take place according to the "lex loci", and that a certificate, under the hand of the representative of the foreigner's nation, shall be obtained, that such marriage is recognized as legal and binding by the laws of his country.

In a circular of the British Foreign Office, dated July 14th 1887, the stipulation, that a marriage according to the "lex loci" shall previously be celebrated, is modified for a form of marriage

that

that is recognized as legal and binding by the law of the nation to which the foreigner belongs.

If, however, the Minister is satisfied that such previous marriage is impracticable, he may, at discretion, dispense with it, on being furnished with a certificate, under the hand of the representative of the foreigner's nation, that the mixed marriage, which it is proposed to celebrate at the British Legation, will, of itself, and without any preliminary or other ceremony, be recognized as legal and binding by the laws of such nation.

a

A fair construction of these instructions is that the British Minister may allow a mixed marriage to be solemnized at the Legation, if a form of marriage, that is recognized as legal and binding by the law of the nation to which the foreigner belongs, has previously taken place. In that event the certificate is dispensed with, and "a recognition" of the validity of the previous marriage by the officials of the foreigner's nation is all that is required.

If the American Consul shall perform the marriage ceremony, between these persons, I shall certainly "recognize" the validity

of

of the marriage. The marriage at the English Legation will follow, and I am entirely certain that the double marriage will be firm and effectual in the United States and Great Britain, and, I believe, everywhere in all the world.

This understanding between Sir John Walsham and myself, makes this marriage possible, and does not, in my opinion, in anywise controvert the principles enunciated in the circular cited.

There is a vast difference between "recognizing" the validity of a marriage had before an American Consul, and giving

the

the certificate which is prohibited in For. Rel. 1887 p. 1133. The prohibited certificate goes to the validity of the marriage which is solemnized in a foreign jurisdiction, and not to the validity of marriages solemnized before our own Consuls. I give no certificate whatever. The Consul furnishes the usual marriage certificate — Form No. 87, Con. Reg. 1888. On the faith of that certificate and of my verbal statement, recognizing the validity of the consular marriage only, the second marriage ceremony will be performed in the British Legation according to British law.

I trust that this solution of a grave difficulty, which has made two lovers happy, will be approved by both the governments which are interested therein.

It may not be inappropriate to submit a few observations on the general subject as affecting China.

You have repeatedly enunciated the general doctrine to be that the lex loci governs questions involving the validity of marriage. You have, however, in your memorandum attached to your despatch to me, No 343 of Aug 18th 1888, limited this principle to the laws of those countries

which

which recognize monogamous marriages only, and not polygamous marriages. It is apparent, therefore, that the "lex loci" in China cannot have any controlling effect, because polygamous marriages are recognized as valid here.

The doctrine of ex-territoriality, under which, except as to real estate, the laws of each nationality accompany it's citizens or subjects in China, also tends to do away with the effect of the local marriage laws, as far as foreigners are concerned.

For reasons, therefore, more influential in China than in Europe, it is proper to substitute

for

for a marriage governed by the "lex loci" a form of marriage recognized as binding in the United States. It is to be remarked further that, as far, at least, as I can find, there is nothing in the Consular Regulations relating to ~~mixed~~ marriages. Under Sec. 383 Con. Reg. 1888, marriages between persons domiciled in the territories or the District of Columbia, are authorized. Under Sec. 386, persons domiciled in any State may be married by the Consul, if the State laws are complied with.

Compliance in China with bare legal forms, as required by State

laws

laws, is clearly impossible. Licenses cannot be procured, bans cannot be published. There is little difficulty in holding that the penalties imposed, for failure to comply with these statutory requisites, do not affect the validity of marriages in China. Nor is there any trouble in holding that a Consul who may lawfully unite in marriage two Americans, may, also, lawfully unite in marriage one American and one foreigner. The American is bound by the laws of his country, the foreigner by his voluntary submission to the laws, then and there complied with, and by his civil contract.

I do not doubt that, generally, in the States of the Union, this conclusion of law would be arrived at. But it cannot be claimed that the binding force of such marriages would be universally sustained in other countries.

It seems to be important that, so far as possible, these questions should be set at rest by instructions to representatives of the government abroad. A regulation defining the power of Consuls to solemnize marriage, where the contracting parties are an American and a foreigner, would greatly simplify the subject. Until some such regulation

is

is formulated, I shall, out of abundance of caution, in cases of mixed marriages, adhere to the decision herein reported — unless disapproved of by you — that two marriage ceremonies be performed — one before the American and one before the foreign Consul."

Should, in this particular case, there be other delays or obstacles, I will report them.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

DEPARTMENT OF STATE
NOV 30 1888
RECEIVED.

No 738. One Enclosure

2D ASSISTANT SECRETARY.
Ack. by Number and File.
NOV 30 1888

Legation of the United States.
Peking, October 20th, 1888

Copied for F.R.

Mr. Charles Denby
to the
Secretary of State

Subject
Population of China

Synopsis
Report of Imperial Maritime
Customs Service.

2

√

No 738. One Enclosure

Legation of the United States
Peking, October 20th 1888

Honorable Thomas F Bayard
Secretary of State
Washington.

Sir:—

I enclose herewith an estimate of the population of China prepared by the Imperial Maritime Customs. It is based on the census of 1879 and 1882. On comparing these figures with those transmitted to you in my despatch No 695 of September 4th, 1888,— being the estimate of Mr. Popoff, it will be found that the former exceeds the latter.

Official censuses in China are not entirely accurate.

I

I should infer from the arguments and reasoning of Mr. Popoff that, he is more nearly accurate than the Customs are.

I have the honor to be,
Sir
Your obedient servant
Charles Denby

Enclosure 1.
Report of Imperial Maritime Customs on population of China.

Enclosure 1. Despatch No 738.

	Year.	
Manchuria	1873	[illegible]
Chihli	1879	[illegible]
Shantung	1882	[illegible]
Shansi	[illegible]	[illegible]
Honan	1882	[illegible]
Szechuan	1882	[illegible]
Yunnan	1879	[illegible]
Hupeh	[illegible]	[illegible]
Kiangsu	1882	21,000,000
Kweichow	1879	[illegible]
Anhwei	1879	21,000,000
Chekiang	1882	12,000,000
Shensi	1882	[illegible]
Fuhkien	1879	52,000,000
Kwangtung	1882	30,000,000
Hunan	1882	21,000,000
Kiangsi	1882	24,000,000
Kwangsi	[illegible]	[illegible]
Kansuh	1879	[illegible]
		413,000,000

DIPLOMATIC BUREAU

DEPARTMENT OF STATE
NOV 30 1888
RECEIVED.

No 739.

2D ASSISTANT SECRETARY.
MR. FORD. for examination
Ack. by Number and File
NOV 30 1888

Legation of the United States.
Peking, October 20th, 1888.

Mr. Charles Denby
to the
Secretary of State

Subject
Peking Customs Duties

Synopsis
Abstract of Report of the Supt. of Customs at Peking for the year ending September 7th, 1888.

No 739.

Legation of the United States.
Peking, October 20th, 1888.

Honorable Thomas F Bayard
Secretary of State.
Washington.

Sir:—

As statistical matter, that may be of interest, I abstract herein the annual report of the Superintendent of Customs at the Shiung Hua gate, Peking.

The amount collected during the past year has fallen short of the total amount required. Trade was injuriously affected by the fluctuations in the Exchange between copper cash and silver, which enhanced prices.

The bulk of the produce reaching Peking comes from

from the South, and since the Yellow River disaster this traffic has been seriously diminished. The roads have also been bad. To these causes must be added the fact that, the law does not permit any additional levy to be made on foreign goods.

The total receipts of the office this year were taels 173.171, or taels 141.793 less than the total fixed and supplementary assessments. He reports, also, the amount of duty collected on native opium.

In former years, he states, the duty on native and foreign opium was levied on the same scale and a special return of the receipts was made to the Board of Revenue. In February 1887, however, a communication was received from the Board transmitting

a

a copy of the new regulations under which duty and likin on foreign opium was to be levied simultaneously. In that document it was stated, that foreign opium, whether in whole chests, or balls, was, after the payment of the two fold levy of likin and duty, to be subjected to no further charge, provided it bore the customs marks and seals.

Thus native opium only is to be accounted for, and the quantity thereof is inconsiderable. At present there is a brisk consumption of the foreign article, with a corresponding decrease in the use of the native drug. But it seems to me probable that this decrease is due to smuggling. During the past year only, taels 530

were

were required on duty on the Yatter
day.

I have the honor to be,

Sir,

Your obedient servant

Charles Denby

DIPLOMATIC BUREAU.
and
BUREAU OF ACCOUNTS.

DEPARTMENT OF STATE
DEC 8 1888
RECEIVED.

Separate. One enclosure

2D ASSISTANT SECRETARY.
TO BUREAU OF ACCOUNTS,
for examination. Duplicate
Ack. by number and file, if reported correct.
DEC 8 1888 aag

Legation of the United States.
Peking, October 22d, 1888.

Mr. F. D. Chester
to the
Secretary of State

Subject
Duplicate Statement of account for loss by Exchange for Quarter Ending 30th September 1888.

Separate. One Enclosure.

Legation of the United States.

Peking October 22d, 1888.

Honorable Thomas F. Bayard.

Secretary of State

Washington.

Sir:—

I have the honor to hand you enclosed a duplicate statement of my account for loss by Exchange for the quarter ending the 30th ultimo.

I have the honor to be,

Sir,

Your obedient servant

F. D. Cheshire

Enclosure 1.

Duplicate statement as above.

DEPARTMENT OF STATE
DEC 8 1888
RECEIVED.

DIPLOMATIC BUREAU
and
BUREAU OF ACCOUNTS.

Separate One enclosure

Legation of the United States.

Peking, October 22d. 1888.

2D ASSISTANT SECRETARY.
TO BUREAU OF ACCOUNTS
for examination. Duplicate
Ack. by number and file, if correct.
DEC 8 1888

Mr. F. D. Chester

to the

Secretary of State

Subject

Duplicate Salary Account for quarter ending 30th September 1888.

1

Separate. One Enclosure

Legation of the United States
Peking, October 22d, 1888.

Honorable Thomas F Bayard.
Secretary of State
Washington.

Sir:—

I have the honor to hand you enclosed a duplicate statement of my salary account for the quarter ending the 30th of September 1888.

I have the honor to be,
Sir
Your obedient servant
F D Chester

Enclosure 1 -
Duplicate statement as above.

DEPARTMENT OF STATE
DEC 8 1888
RECEIVED.

No 740.

Legation of the United States.

Peking, October 22nd 1888.

Mr. Denby to the Secretary of State.

Copied for 7 mL.

Subject.

The "Scott law" so-called,

Synopsis.

Suggests views thereof and asks advice as to it's legal effect.

7

No. 740.

Legation of the United States.

Peking, October 22nd 1888.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I beg leave to offer a few observations on the "Scott law", so-called, of which I find a copy in the North-China Daily News. It differs from the impression produced by divers English telegrams, and by your telegram of the 18th ult. It was understood generally in China that "total exclusion of Chinese" had been

enacted

enacted by Congress. Such information was calculated to produce here irritation, retaliation and apprehension of riots.

But, as the exclusion provided for affects only Chinese laborers, who are now or have been, in the United States, I feel no alarm as to the consequences thereof. My intimation to Admiral Chandler to take precautionary measures is not matter of regret. It is just as well, in any event, that some of the ships under his command shall winter in Chinese ports. They are not needed in Japan. He has ordered a vessel to Tientsin,

one

one to Canton and has himself gone to Shanghai. The German and British admirals took the same view of the situation. These three nationalities will station vessels in the various Chinese ports, and their presence will tend greatly to preserve peace and tranquility. While on the subject, I may mention that information reached Peking, yesterday, that a serious riot, or rebellion, was impending in Taiwanfu, Formosa. A German ship, the Wolf, was immediately ordered to go thither.

To return to the "Scott law", as I am clothed with judicial functions, appellate, and in

some

some cases original, I beg that instructions may be sent to me embodying your construction of that law.

The copy in my possession purports to be a supplement to the Act of May 6th 1882, U. S. Statutes at large, 1881-83-p. 58. Section 1 is original legislation. It abrogates that part of Art. 2, of the treaty of 1880, which permits "Chinese laborers who are now in the United States" to return thither.

It does not affect the coming, in the first instance, of laborers from China, which is still prohibited by the first section of the Act of Congress of July 5th

1884

1884, Acts 1883-85 p. 115.

It does exactly what the treaty of 1888 was designed to accomplish, and did, by it's terms, accomplish, subject to certain exceptions in Art 2 thereof.

I agree, as stated by Dr Wharton, §138 Vol 2 of his International Law Digest, that a treaty may be municipally abrogated.

But the other sections of the "Scott law" require further consideration. Sections 2 and 3 of the "Scott law" repeal or construe sections 2, 4, 5, 10, 11 and 12 of the Act of 1882, above cited. But these sections, except section 5, have all been amended by the

Act

Act of 1884, cited.

In Indiana it has been repeatedly held that a section of a law, which has been amended by a subsequent Act of the Legislature, has ceased to exist. An amendment of an amended law, according to the decisions of the Supreme Court of that State, is void. The amendatory Act alone is in force and amendments must be addressed to that act and not to the amended act.

If this statement of the law be correct, it would seem that the only operative portion of the "Scott law" is the first section thereof. If these views are

erroneous

erroneous, because of incorrectness of information touching the terms of the "Scott law", I will be excused, I hope, for having presented them, as I am without any official information on the subject.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

MR. FORD.
and
DIPLOMATIC BUREAU.
11 Dec

DEPARTMENT OF STATE
DEC 8 1888
RECEIVED.

No 741.

Legation of the United States.
Peking October 23rd 1888.

Copied for F.R.

Mr. Denby to the
Secretary of State.

Subject.

Inspection of the railway at Tientsin by the Viceroy Li.

Synopsis.

Incidents of the inspection and an account of the line.

A

No 741.

Legation of the United States.

Peking October 23rd 1888.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

The present month has witnessed a ceremony entirely novel in China, and one full of interest for those concerned in the country's material progress.

The railway at Tientsin (the inception, progress and completion of which have been reported to you, step by step, by this Legation,) was on the

9th

9th instant, formally inspected by His Excellency the Viceroy Li, under orders to report thereon to the Throne. This duty was performed with considerable ceremony, and seems to have been so auspiciously accomplished as to bode well for the future of the railway cause. The line was in excellent working order, and was traversed by the Viceroy and suite, unimpeded by any of those delays or accidents, which, on such occasions, so easily occur, and which, if serious, might, in this instance, have exercised an unfavorable influence on railroad extension. To people

ever

ever ready, for their own ends, to see the "will of heaven" in others misfortunes; a railroad accident, on this trip of inspection, would have furnished a powerful weapon of opposition.

The Chinese Times, of the 13th inst., records the days proceedings in full. At 7.30 in the morning, the viceroy went from his residence to the railroad wharf, on the bank of the Peiho River. Here he was met by several Chinese directors of the railroad and the foreign engineers. The party then proceeded to the railroad depot, a short distance away,

where

where other Chinese dignitaries awaited them. No foreign officials were asked to participate, a circumstance explained by the character of the occasion. Troops, both foreign drilled infantry and irregular cavalry, as well as a battery of artillery, were present at the station, the train moving out amid salutes from the latter.

The imperfect ballasting of the first few miles of the track, which were, in fact, the last to be built, necessitated a low rate of speed, which was later, however, increased to 30, 40, 45 and even 50, miles per hour. Various stops, at the towns along the route, were made, at each of which troops were drawn

up

up, and the local civil and military officials presented themselves to pay their respects to the Viceroy. At Lutai, a city about half way between Taku and Kaiping, the Viceroy attended a magnificent banquet, provided by General Li, whose guest he was.

Amongst the troops present at this point the Times mentions "a company of Lutai "tigers", men "dressed in yellow cotton with "black streaks. These men were "armed with bows and arrows "and each warrior bore a wicker "shield on which were painted "hideous faces of ogres, frightful "enough to scare a regiment of

Prince

"Prince Bismark's typical "Pomeranian grenadiers". An anachronism in military arms and uniforms emphasized with singular force by the occasion, and which cannot long survive the presence of that great factor in progress, whose introduction these soldiers were there to celebrate.

At Tong Shan, near the end of the line, the party was received by Mr. Tong King-sing, chief director of the colliery, and said to have been the founder the mines at this point, of the railroad itself and of the China Merchants Navigation Co. The viceroy inspected the mines, pumps, workshops and other foreign machinery, while his

son

son descended the shaft, which is about 600 ft. deep.

The party remained here over night and, starting at 8 the next morning, reached Tientsin at 11.30, without incident, thus completing, in three and one half hours, a journey of 81 miles, a distance which, under the most favorable circumstances, would have required three days by any means of conveyance previously existing. This fact must have been sufficiently impressive to the Chinese officials, some of whom have made the same journey under other conditions.

The Chinese Times gives the distances of the route as follows:

Tientsin

Tientsin to Tongku, a town opposite Taku, on the north side of the river, 27 miles; Tongku to Lutai, northwest of Taku, 25 miles, this piece of road being at right angles to the last; Lutai to Tong Shan, 29 miles. Tong Shan is not far from Kaiping, to which point the road will be extended. It is confidently stated, also, by parties in Tientsin, that the opposition to the extension of the line towards Peking has been overcome and that stock is actually being issued for a line to be built to Tungchou, a city on the river Peiho to the east of Peking. The time is, even now, hopefully

looked

looked forward to when an express train will make the journey from Tientsin to Tungchow in one and one half hours, a journey, at present, of from two to five days.

The road, as far as completed, was designed and constructed by Mr. C. W. Kinder C.E., a gentleman who is said to have had large experience in England, the United States and Russia. The management of the company has been in the hands of Mr. Ng Choy, a barister of the English bar, who has shown much skill and patience in it's organization.

(The company possesses four

powerful

powerful passenger locomotives, of 70 tons each, said to be a modification of British built engines by the introduction of certain American features rendered available by local conditions here. One of these engines is described by the Times as follows:

"It was built by Dubs & Co "of Glascow. The boiler is of "steel, 17" x 24" cylinders, four 6 ft. "drivers; four 36 in. bogie wheels; "iron pilot (or cow-catcher); "American head-light; heating "surface 1.012 feet; 212 tubes; "18 ft. grate area; The tender is "on two bogies with 36 in wheels "and carries 2300 gallons water

and

"and 2 tons coal."

The performance of these engines, considering the unskilled labor necessarily employed in building the line and in handling the train, must, as the Times justly remarks, be considered remarkably good.

In addition to the above there are seven double-ender tank engines and three smaller engines. Of these but one came from America, being from Grant & Co.

The equipment of the road as to cars, both passenger and freight, seems ample, comprising large numbers of coal, construction and other cars.

Among

Among the most noticeable adaptations of American improvements are the "bogie trucks" and the "Janney" couplers and buffers, together with a complete set of Westinghouse automatic brakes, presented by the patentees to the railroad company. The wheels and axles of the cars which are being constructed at the company's shops, at Su-ko-chwang, also came chiefly from America. The bridges along the line represent a variety of systems. Among them an American bridge, 120 ft. span and costing 7000 taels, is spoken of as a fine example of bridge work.

The

The work of the road, throughout, is, of the most excellent standard, carried out, also, with a view to economy. With stone ballast, steel rails of 45, 60 and 70 pounds, sleepers of hard Japanese wood or steel, and permanent work in iron, steel and masonry, instead of wood, rendered necessary by the extremes of heat and cold, the road seems thoroughly equal to the traffic hereafter to be developed on it.

The annual floods along the route have been provided against by raising the road-bed, and by the construction of numerous flood openings.

The cost of this line, so far,

has

has been about one and one half million taels, an exceedingly small sum, should experience prove the work as well done as it is claimed to be.)

Thus, in spite of years of opposition and after unsuccessful struggles on the part of syndicates of many nations, the railroad age, inaugurated by the Chinese themselves, begins in China. The Viceroy, aided and encouraged, in no small degree, by many advanced and educated men of his own nation, as well as by foreigners, has commenced a work destined to be of the greatest importance and benefit in the future of this Empire.

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

DIPLOMATIC BUREAU.

noted 10 Dec

DEPARTMENT OF STATE
DEC 8 1888
RECEIVED.

No 742.

Legation of the United States.
Peking, October 25th, 1888.

2D ASSISTANT SECRETARY.
Ack. by Number and File.
DEC 8 1888

Mr. Charles Denby
to the
Secretary of State

Subject
Rebellion in Formosa

Synopsis
Announcing telegraphic information
thereof.

No 742.

Legation of the United States.
Peking, October 25th, 1888.

Honorable Thomas F. Bayard.
Secretary of State
Washington.

Sir.—

I have the honor to report that I received on the 19th instant a despatch from the Consul General announcing that a rebellion had broken out at Tainanfu in Formosa.

On the 21st instant I received another despatch announcing that half of the island was held by the rebels, and suggesting that a man of war be ordered to Formosa. I replied directing the Consul General to report the facts to the Admiral for his decision.

Very

my latest advices are that the admiral was expected in Shanghai on the 24th instant, and that the rebellion was still progressing.

No definite information is accessible here.

I have the honor to be,

Sir,

Your obedient servant

Charles Denby

DIPLOMATIC BUREAU.

10

DEPARTMENT OF STATE
DEC 8 1888
RECEIVED.

No 743.

2D ASSISTANT SECRETARY.
Ack. by Number and File.
DEC 10 1888

Legation of the United States.
Peking, October 26th, 1888.

Mr. Charles Denby
to the
Secretary of State

Subject
Acknowledging despatches

No 743.

Legation of the United States
Peking, October 26th, 1888.

Honorable Thomas F. Bayard
Secretary of State
Washington

Sir:—

I have the honor to acknowledge the receipt of your despatches numbered 348 and 349 dated September 3d and 12th respectively.

I have the honor to be,
Sir,
Your obedient servant
Charles Denby

DIPLOMATIC BUREAU.

10

DEPARTMENT OF STATE
DEC 8 1888
RECEIVED.

No. 744.

2D ASSISTANT SECRETARY.
Ack. by Number and File.
DEC 10 1888

Legation of the United States.
Peking, October 26th, 1888.

Mr. Charles Denby
to the
Secretary of State

Subject
Proposed Russo-Corean Treaty.

Synopsis.
Substance of an additional Russo-Corean Treaty proposed in October 1886.

No 744.

Legation of the United States.

Peking, October 26th, 1888.

Honorable Thomas F. Bayard.

Secretary of State

Washington.

Sir:—

I find in the Shanghai Courier of the 16th instant, an article entitled "Russian Intrigues in Corea" of which I send you an abstract, as it tends to throw light on the condition of Corea.

The ratification of the Russo-Corean treaty took place in October 1886. Shortly afterwards a draft of an additional treaty was made by the Russian Minister of which the following is the substance:

1.

1. A belt of land extending over a hundred corean miles (about 35 English miles) on both sides of Zumanko lake will be given, where Russians and Coreans can freely trade. Officers to superintend the trade shall be appointed by both Governments.

2. The Corean Government shall open a place called Fusei, situated at a distance of 200 corean miles (75 English miles) from Zumanko, besides the present treaty ports for the trade and residence of Russians only.

3. A Russian Consulate shall be established at Fusei

4. The Corean Government shall start a postal service by horses. The horses for the Russian postal

services

service shall have 100 miles within the treaty limits.

5. Articles which have once paid duty at any Corean port shall be exempted from taxation at Fusan.

6. Russian goods which have been stored 13 months at Fusan may be transferred free to any other port.

7. Koreans who emigrated to Siberia prior to 1886, shall be recognized as Russian subjects.

8 The duty to be imposed on articles which are transferred 100 miles outside of the trade limits shall be governed by the ordinary rate of taxation.

At the time this treaty was

was brought forward, Mr. Von Mollendorff was recalled to China. The Russian Government strongly objected to his transfer. The suspicions of Corea were aroused and she postponed the ratification of the contract. Judge Denny succeeded Mr. Von Mollendorff. To the surprise of the Chinese Judge Denny seems to have adopted the same line of policy that Mr. Von Mollendorff pursued.

It is understood that the Russian Minister is still pressing the ratification of this contract, and that the Ministers of the other foreign powers are opposed to its ratification.

I have the honor to be,

Sir,

Your obedient servant

Charles Denby

DIPLOMATIC BUREAU.
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DEPARTMENT OF STATE
DEC 8 1888
RECEIVED.

No. 745.

Legation of the United States.

Peking, October 26th 1888.

2D ASSISTANT SECRETARY.
Ack. by Number and File.
DEC 10 1888

Mr. Denby to the

Secretary of State.

Subject.

The Newchwang Floods in the summer of 1888.

One enclosure.

No 745.

Legation of the United States.
Peking October 26th 1888.

To the Honorable
Thomas F. Bayard
Secretary of State
Washington, D.C.

Sir:

I have the honor to enclose, herewith, a translation of a decree, which appeared in the Peking Gazette of the 2nd inst., describing the recent Newchwang floods.

I have the honor to be,
Sir,
Your obedient servant,
Charles Denby

1/745

Enclosure
1. Clipping from North-China Daily News Oct. 18th 1888.

Enclosure in No. 745.

THE NEWCHWANG FLOODS.

(2) The Governor of the Manchurian province of Feng-t'ien presents a Memorial, giving a further account of the recent floods there, and of the measures which he has adopted for relieving distress. According to reports forwarded to him in Feng-huang T'ing the level country was several feet under water, the crops drowned, and public offices and private houses alike all flooded. In the district of An-tung there were from twenty to thirty feet of water on the ground, the people had fled to the hills, and sixty or seventy per cent. of the houses were washed completely away. In Tung-hua the dykes had burst, and the country both inside and outside the town was converted into a lake. At Liao-yang Chou the T'ai-tzû River and the mountain streams combined had covered the level country to a depth of five or six feet, and in the town itself there was more than a foot of water. In Hai-ch'eng Hsien, the plain was three or four feet under water, and the crops in the low lands were drowned. All the neighbourhood of Newchwang was flooded, and the town was full of refugees. In Kai-p'ing the walls were washed away in places and many houses had fallen. In Yen-hsin the inundation was very severe, especially to the south of the town; but the amount of damage and loss of life has not yet been ascertained. In Hsing-ching T'ing twenty-one houses had been destroyed at Hsin Pin-p'u; but, as the roads were all impassable, it was not yet known what had happened in other parts of the district. The Memorialist remarks that the floods extend for a distance of three hundred miles, and the calamity is therefore most serious. He has sent nearly twenty thousand taels to the various local authorities for immediate distribution. But the distress is so severe that further extraordinary measures must be adopted, and it will not be sufficient, as on ordinary occasions, merely to remit or postpone the collection of the land tax. For unless adequate relief be afforded, the old and the weak will die of starvation and the young and the strong will be driven to resort to brigandage. He proposes therefore to issue the grain in all the official granaries, whether Tartar or Chinese, and, as may be most suitable in each locality, to open soup-kitchens, distribute grain, or give away actual money.

In a postscript Memorial the same writer makes the extraordinary statement that the Hun Ho and the T'ai-tzû Ho (which flow into the Liao River a little above Newchwang), communicate with the Yalu River on the Corean frontier, and he ascribes the unusual severity of the floods to the fact that they followed close after a rise in the waters in the Corean district of I-chow. He is unable as yet to state what was the loss of human life; but it must be very great, on account of the suddenness of the catastrophe and the impossiblity of conveying help across the flooded region. Fortunately the Imperial Mausoleum near Hsing-ching, that known as the Yung Ling, has escaped all injury, except a little damage to the terrace by the water side in front; though the official residences attached to it have suffered severely. The Memorialist is afraid that the calamity must be due to his own short-comings. For in the five years that he has been Governor there have been three terrible floods. He begs therefore that he may be removed from his post, and his place taken by a better officer. In the Rescripts to the two Memorials, the Emperor approves the measures adopted so far, and the plans proposed. It is also ordered that the most strenuous efforts be made for the relief of the distressed, and the Memorialist is told not to take to himself the blame for what has happened.

October, 2nd.—[No papers of interest.]

PROPOSED NEW PREFECTURE IN KIRIN.

DIPLOMATIC BUREAU.

DEPARTMENT OF STATE
DEC 8 1888
RECEIVED.

No 746.

Legation of the United States.

Peking, October 26th 1888.

2D ASSISTANT SECRETARY.
Ack. by Number and File.
DEC 10 1888
aab

Mr. Denby to the
Secretary of State

Subject.

Description of the Tientsin and Kaiping Railway.

One enclosure.

No 746.

Legation of the United States.
Peking, October 26th 1888.

To the Honorable
Thomas F. Bayard
Secretary of State
Washington, D.C.

Sir:

I enclose, herewith, a description of the new Tientsin and Kaiping Railway, clipped from the North-China Daily News of the 18th inst.

1/746

It furnishes some details which are omitted in my despatch No 741 of the 23rd inst.

I have the honor to be, Sir,
Your obedient servant,
Charles Denby

Enclosure
1 as above

Enclosure in No. 746.

TIENTSIN AND KAIPING RAILWAY.

This railway, the first built by the Chinese Government, and as yet, the only one, was opened last week by H.E. Li Hung-chang; this was the official opening, but the line has been worked for a considerable time on its Tang-shan branch and within the last month or two regular trains have been running upon both the Tientsin and Tang-shan branches.

The whole mileage is 86½ miles, with 10 miles of siding or 28 miles from Tientsin to Tong-ku which lies on the bank of the Pei-ho opposite Taku, and 58½ miles from Tong-ku to Tang-shan near the city of K'ai-p'ing where the Chinese Mining and Engineering Co. have their works, kilns and pits. It is difficult as yet to judge accurately the work of construction; after a year's steady working the line will speak for itself, but so far as the work can be judged at present, it is of a thoroughly reliable and satisfactory character.

The Tang-shan branch has been completed for some time and a large amount of very heavy traffic has been carried on it already; this road is therefore very compact and runs as steadily and easily in most parts as some of the best lines at home.

The Tientsin branch feels new as yet and the ballast of roadstone has not yet firmly settled; the work on this branch was rather hurriedly completed so as to be in readiness for the Viceroy's projected visit; consequently it does not run by any means as smoothly as the Tang-shan branch.

The permanent way is well ballasted with broken roadstone such as is used for macadanized roads; the rails are bull-headed flange fastened with clawspikes to sleepers: these last are not creosoted as is the case at home, it is found that the wood stands as well in its natural state as creosoted timber would; the life of a sleeper here being quite equal to that of those used on home lines, the joints of the rails are made with the ordinary English flange fish plates, bolts and washers, there is very little tendency to slacken as the nuts and washers readily "rust" to their places and hold very firmly.

The points are worked with the simple old fashioned hand switch, a complicated system of interlocking being quite unnecessary and indeed quite unsuited for use by Chinese employés; the signalling is equally primitive, a red and a white hand flag completing the equipment of the signalman who stands outside his hut and waves his signal in just the same style as those old peasants whom we see at the little level-crossing cottages of the railways in the South of France. At important stations or sharp bends the signal flag is hoisted upon a high flag staff.

The greater part of the line is single with loops at the stations; each piece of single-line being worked with a train staff.

The bridge work is especially worthy of comment and praise; near Chun-hang-chang is a very fine iron girder bridge, splendidly fitted together and so constructed that it can at any time be widened so as to admit of a double line of rails; another equally good piece of work is the girder and swing bridge across the Peh-tang river, a stream considerably wider than that at Chun-hang-chang; these two bridges were erected respectively by Mr. Vowls and Mr. Ricketts acting under the Engineer-in-Chief Mr. Kinder and are at once an ornament to the line and a credit to the engineers.

The trains are rather strongly made up, carrying both passengers and goods at the same time; immediately behind the engine is a long second class car partitioned down the middle and having sitting accommodation along the sides of the car and on either side of the partition; in these cars the ordinary Chinese tradesman travels; next comes a long open truck doing duty as a kind of third class, having plank seats all round and piled up in the middle with baggage, fruit, fish and merchandise of all sorts; the Chinese labourers travel in this "carriage" which is also supplied with plenty of tarpaulin to protect both passengers and freight in case of rain; next comes the 1st class car built after the model of the American cars; those on the Tientsin branch are very fine and comfortable, but those on the Tang-shan line are only temporarily in use and might well be improved and provided like the Tientsin cars with lavatory and private coupés; behind the 1st class cars come baggage waggons and trucks *ad lib.* All the carriages and trucks are connected by American spring buffers and claw couplers and the whole makes a long and more or less imposing train.

Starting from Tientsin at 9 a.m., forty minutes run brings you to Chun-liang-chang and forty more to Tong-ku, the train stopping only once on the journey; the half hour's waiting at Tong-ku is by no means pleasant, for though a fine hall of reception has been erected there for the Viceroy to occupy on the opening day, the station is without any proper waiting room accommodation for first class passengers who have to stand in the midst of a crowd of excited and anxious Chinese in the booking hall and to submit as the writer did, to be questioned as to which is the proper train and whether it will go before the time and if one could get on if he went to meet it and as to what railways are like in Europe, &c., &c. all of which may afford a good half hour's amusement for the first time, but is likely to grow wearying with repetition.

At 11 a.m. the train for Tang shan starts; half an hour's run brings you to the Peh Tang River and the fine bridge already referred to; in a little over an hour more, passing Hanku at 0.15 you reach Lutai the most important station on that part of route; here the Railway Co. have extensive buildings and some resident foreign officials.

Another hour's run reaches Tong Fong a small roadside station and half an hour more brings you to Su Ko Chwang where the Company have engine sheds, repairing shops and quite a busy establishment.

In about half an hour [illegible] you come in sight of the two great hills from which Tang-shan takes its name, and by 3 o'clock you arrive at the terminus which is by far the neatest and best appointed station upon the whole line.

The whole journey of about 100 miles is completed in 5½ hours, not reckoning the half-hour's waiting at Tong-ku, the average speed is nearly 20 miles an hour and would be greater but for the many rather critical pieces of road where it is necessary to slacken considerably; when the ballast has been thoroughly well packed in and the line has settled a little more, the Company intend to run trains regularly [illegible] 30 and 40 miles an hour.

The fares are very reasonable, $1.30 covering the expense of first class accommodation for the whole journey: the line is evidently very popular and large numbers of Chinese travel by it daily, they do not seem to fear the speed and innocently remark "This compared with riding in a cart is quick;" immense quantities of goods going inland and of coals, earthenware and bricks coming to the coast are also carried daily and the line is bound to be a thoroughly good paying concern.

It does great honour to those who have worked [illegible] and hard against prejudice, opposition [illegible] physical difficulties to complete it [illegible] would think there should be little [illegible] its obvious usefulness will [illegible] that be to promote and [illegible] the starting of a railway th[illegible] Chihli, Shantung and Kia[illegible] great orchard country of Shantung [illegible] develop more fully the industries of the interior.

BUREAU OF ACCOUNTS
and
DIPLOMATIC BUREAU.

DEPARTMENT OF STATE
DEC 8 1888
RECEIVED.

No 747. On Exchange.

Legation of the United States
Peking, October 27th, 1888.

2D ASSISTANT SECRETARY.
TO BUREAU OF ACCOUNTS,
for examination. Duplicate
Ack. by number and file, if reported
correct. DEC 10 1888 aag

Wm Phelps Dunlap
to the
Secretary of State

Subject.

Duplicate account for loss
by Exchange, quarter ending
30th September.

No 747. One Enclosure.

Legation of the United States.

Peking, October 27th, 1888.

Honorable Thomas F. Bayard.

Secretary of State

Washington.

Sir:—

I have the honor to hand you enclosed a duplicate
747 statement of my account for loss by Exchange for the quarter ending the 30th ultimo.

I have the honor to be,

Sir,

Your obedient servant

Charles Denby

Enclosure 1.-

Duplicate statement as above.

DIPLOMATIC BUREAU.
and
BUREAU OF ACCOUNTS.

DEPARTMENT OF STATE
DEC 8 1888
RECEIVED.

No. 748. One enclosure.

Legation of the United States.
Peking, October 27th, 1888.

2D ASSISTANT SECRETARY.
TO BUREAU OF ACCOUNTS.
for examination. Duplicate.
Ack. by number and file, if reported correct.
DEC 10 1888 aab

Mr. Charles Denby
to the
Secretary of State

Subject
Duplicate account for
Repairs to Legation premises
for quarter ending the 30th
September

No 748. One Enclosure.

Legation of the United States.

Peking, October 27th, 1888.

Honorable Thomas F Bayard.

Secretary of State

Washington.

Sir:—

I have the honor to hand you enclosed a duplicate
748. statement of the Repairs Account of this Legation for the quarter ending the 30th ultimo.

I have the honor to be,

Sir,

Your obedient servant

Charles Denby

Enclosure 1.

Duplicate statement as above

DEPARTMENT OF STATE
DEC 8 1888
RECEIVED

Enclosures printed & 10 copies sent to Mr Denby Jany 16, 1889. Cudlor

No. 749.

Legation of the United States.

Peking, October 31st 1888.

Mr. Denby to the

Secretary of State.

Subject.

Fees in Consular Courts in China

Synopsis.

Encloses amended and additional fee-bill. Suggests additional article in Cons. Reg. and that the bill be printed in Washington and sent to minister for distribution.

1
74

Two enclosures.

No 749.

Legation of the United States.

Peking, October 31st 1888.

To the Honorable

Thomas F. Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor to submit, hereewith, for your approval an amended "Fee-bill for Consular Courts in China". The section embracing fees in probate matters has been agreed to by my distinguished colleague in Japan.

1/749

In preparing the schedule now sent, I have, as far as possible, adopted the fees fixed

by

by the statutes of the United States.

The items contained in this schedule have all been approved by Consul-General Kennedy, but some items that he recommended have not been adopted. The items so rejected by me related to fees for making orders in probate matters, such as approving reports of guardians and administrators, ordering distribution etc. I was inclined to allow them, although I recognized the general impolicy of attaching specific fees to the performance of judicial services. But my colleague in Japan thought they were inadmissible and I yielded to his judgement

and

and struck them out. The schedule now enclosed allows such fees to non-salaried consuls only.

As an explanation of Sec. 96, I have to say that I have inserted in the original fee-bill (See Mis. Doc. No. 89, 47th Congress 1st Session, p. 76) the word "estates". I think estates should pay some species of docket fee. I proposed to reduce the existing fees, but General Kennedy objected to a reduction, because the fund derived from these fees goes to pay ordinary court expenses. I recognized the force of this statement and that, as the government furnishes the courts

at

at great expense, it was proper to require litigants to pay a portion thereof.

In this connection I renew my recommendation that a section, in substance as follows, should be inserted in the Consular Regulations:

Extraterritorial Countries

"Consuls in China shall "appoint administrators in "all cases where a suitable "person can be found to act "If there is no such person "to be found in their "jurisdiction they will "themselves act as administrators "under Sec. 1709 R.S.

"The five per cent to be "paid into the Treasury under

clause

"clause 69 p. 181, Consular
"Regulations 1888, shall be
"paid only in case a
"salaried consul acts as
"administrator himself. In
"such cases there shall be
"no allowance made to
"the consul for services as
"administrator, but the five
"per cent. commission paid
"into the Treasury, shall be
"held to cover all charges
"for such services.

"In cases in which consuls
"who have no salaries act
"as administrators reasonable
"fees for services may be
"retained by them".

I respectfully suggest

that

that it is desirable that you procure say fifty copies of this schedule - in case you approve it - to be printed and sent to me for distribution to the consuls.

The work can be better done by the Department than here.

Should you approve of the enclosed fee-bill and order copies thereof to be printed, as requested, a copy of the appropriate heading thereto, as hereto appended, should be printed at the head of the list.

2/749

I have the honor to be,

Sir,

Your obedient servant,

Charles Denby

Enclosures:

1. Fee-bill.
2. Heading for printed form.

ADDITIONAL AND AMENDED REGULATIONS FOR THE CONSULAR COURTS OF THE UNITED STATES OF AMERICA IN CHINA.

LEGATION OF THE UNITED STATES,

PEKING, ...

In accordance with section 5 of the act of Congress, approved June 22, 1860, entitled "An act to carry into effect "certain provisions in the treaties between the United States, "China, Japan, Siam, Persia, and other countries, giving "certain judicial powers to ministers and consuls, or other "functionaries, of the United States in those countries, or "for other purposes," I, Charles Denby, Envoy Extraordinary and Minister Plenipotentiary of the United States to the Empire of China, do hereby decree the following regulations as a substitute for "Article XVII.—Fees" of the regulations now in force in the consular courts of the United States in China, and the regulations hereby adopted shall, from the date hereof, take the place of the said existing Article XVII, and shall have the force of law in the consular courts in China:

FEES.

98.—In Consular Court.

In all cases and estates where the amount in question is not more than $500	$5.00
In all cases and estates where it is over $500	15.00

In all cases where no specific damages are sought the fee shall be $5 for minor and $15 for greater cases.

99.—Clerk's Fees.

For issuing all writs, warrants, attachments, or other compulsory process	1.50
For docketing every suit commenced	1.00
For executions	1.00
For all summonses	.50
For all subpœnas and notices	.25

For filing and entering every declaration, plea, or other paper	$0.10
Eor administering an oath or affirmation, except to an associate	.10
For taking an acknowledgement	.25
For taking and certifying depositions to file (for each folio of 100 words): for the first 100 words, 50 cents; for each succeding folio	.25
For a copy of such deposition, furnished to a party on request, per folio	.10
For entering any return, rule, order, continuance, judgment, decree, or recognizance, or drawing any bond, or making any record, certificate, return, or report: for each folio	.15
For a copy of any entry or record, or of any paper or file: for each folio	.10
The docket fee of $1, hereinbefore allowed, shall cover all charges for making dockets and indexes, issuing *venire* for associates, taxing costs, and all other services not specified herein, in all cases where the amount involved is $100 or less; where the amount involved exceeds $100 the clerk shall be allowed for the services specified in the foregoing paragraph, in all cases up to $500, inclusive, a fee of	2.00
In all cases involving more than $500 the clerk shall be allowed for like services	3.00
For causes where issue is joined but no testimony is given, for causes dismissed or discontinued, the clerk shall be allowed, for like services, one-half of the above fees, respectively.	
For affixing the seal of the court to any instrument, when required	.20
For every search for any particular mortgage, judgment, or other lien	.15
For searching the records of the court for judgments, decrees, or other instruments constituting a lien on any property, and certifying the result of such search: for each person against whom such search is required to be made	1.00
For receiving, keeping, and paying out money in pursuance of any statute or order of court, 1 per centum of the amount so received, kept, and paid.	
For traveling, made necessary by the duties of his office: for going, 5 cents a mile, and 5 cents a mile for returning.	
All books in the clerk's office containing public records shall, during office hours, be open to the inspection of any person desiring to examine the same without any fees or charge therefor.	
In cases of escheat the clerk shall receive for publication to heirs	2.00
For services as escheator	10.00
For every office found	2.50
For recording proceedings of inquest, per folio	.15
For an affidavit in attachment	.50
For approving bond in attachment	1.00
For affidavit in distress cases	.50
For affidavit in replevin cases	.50
For approving replevin bond	1.00
For affidavit in trials of right of property	.50
Where bond is given in trial of right of property, for approving it	1.00

100.—Marshal's Fees.

For apprehending a deserter and delivering him on board the vessel deserted from, to be paid by the vessel before leaving port	5.00
For searching for the same, and, if not found, to be certified by the consul, and on his order to be paid by the ship	2.00
For serving any writ, warrant, attachment, or other compulsory process, each person	2.00
For serving summonses	1.00
For returning all notices, writs, attachments, warrants, and summonses, each	.50

For each bail bond	$1.00
For every commitment or discharge of prisoner	2.00
On subpœnas, for each witness summoned	.50
For returning subpœna	.25
For each day's attendance upon court	3.00
For levying execution	1.00
For advertising property for sale	2.00
For releasing property under execution by order of plaintiff	3.00
For selling property under execution, when the amount collected does not exceed $1,000	5 per cent.
If over $1,000 and not exceeding $5,000	3 per cent.
If over $5,000	2 per cent.
For making collections under $200, in cases where no adjudication has taken place	5 per cent.
If the amount exceeds $200	2½ per cent.
For traveling fees in serving all processes, each mile	.15
For serving every notice not heretofore provided for, in addition to the usual traveling fees	.50

If an execution be paid and satisfied while in the hands of the marshal, and after he has made a levy on property to satisfy the same, he shall receive one-half the fees fixed for selling property under execution or attachment.

For executing a deed prepared by a party or his attorney	1.00
For drawing and executing a deed	5.00
For copies of writs or papers, furnished on request, per folio	.10
For every proclamation in admiralty	.30
For serving an attachment *in rem*, or a libel in admiralty	2.00

For the necessary expenses of keeping boats, vessels, or other property, attached or libeled in admiralty, a compensation to be fixed by the court.

When the debt, or claim in admiralty, is settled by the parties, without a sale of the property, the marshal shall be entitled to a commission of 1 per centum on the first $500 of the claim or decree, and one-half of 1 per centum on the excess of any sum over $500: *Provided*, that when the value of the property is less than the claim such commission shall be allowed on the appraised value thereof.

For sale of vessels, or other property, under process in admiralty, or under the order of a court of admiralty, and for receiving and paying over the money, 2½ per centum on any sum under $500, and 1¼ per centum on the excess of any sum over $500.

101.—Interpreter's Fees.

For each day's attendance upon court	3.00
For making translations	2.00
If more than 200 words, for each additional 100	1.00

102.—Witnesses' Fees.

For every day's attendance at court	1.50
For each mile traveled in going to and returning from court	.15

103.—Crier's Fees.

On trial of every suit	1.00

104.—Citizen Associates' Fees.

For each day's attendance	3.00

105.—Costs for Prevailing Party.

All necessary court fees paid out.

106.—Consul's Fees.

The following fees shall be allowed in arbitration proceedings:

Where the amount in question is $500, or less	5.00
Where it exceeds $500, and up to $1,000	10.00
Where it exceeds $1,000, for each $1,000 or fraction thereof	10.00
In cases of libel, slander, and all proceedings not requiring money judgments	10.00

In all arbitration proceedings judgment may be entered for costs, and execution issue thereon.

For issuing a search warrant	3.00
For holding an inquest	10.00

Fees for inquests are payable out of the estate of the decedent.

107.—Fees in Probate Matters.

(1) The administrator shall present to the court a bill of particulars of the services rendered by him, and the court shall allow him a reasonable compensation, to be determined by the court.

(2) The consul, when a salaried officer (drawing fixed compensation), shall not be allowed any fees in any judicial proceeding whatsoever appertaining to probate matters heard and decided by him as a consular court.

(3) If, in any case, a consul shall be appointed for any of the open ports of China and Japan, to whose office there is no fixed salary, and whose compensation depends on collection of consular fees, and who is vested with judicial authority (as the consuls who have fixed compensation) then such consul shall be allowed the following fees:

For passing on current reports of executor, administrator, or guardian	$5.00
For passing on final reports of same	5.00
For a final order of discharge	5.00
For hearing application for distribution of estates	5.00
For making order of distribution	5.00

The clerk shall receive the following fees:

For a citation in administration	.50
For preparing and administering the oath to an executor, administrator, or guardian	1.00
For issuing and recording letters of administration and guardian's certificate	1.00
For docket fee	1.00
For filing papers	.25
For seal to letters of appointment of appraisers of estate	1.00
For seal to letters of administration	1.00

For all other services, such as entering orders, copying and recording orders, etc., and such like acts, the clerk shall receive the same fees as are allowed under the general schedule for like services, and subject to such reasonable compensation as may be allowed by the consular court.

The marshal shall receive, for any services rendered by him in matters of probate, the same fees that are provided in the general schedule for services of the same nature.

108.—Fees in Ministerial Court.

The fees of the court and its officers shall be the same as hereinbefore prescribed for the consular courts, except in cases brought before said court upon appeal, in all of which cases a court fee shall be charged of	15.00

In addition to which, the same fees as consuls are allowed to charge shall be allowed for the issuance, filing, etc., of all papers and process, and also administering oaths, etc.

The fees of the clerk, marshal, interpreters, etc., in a ministerial court, shall be the same in appellate as in other cases.